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R E S O L U T I O N S

OF THE

Volunteers, Grand Juries, &c. of Ireland,

Which followed the celebrated Resolves of the

FIRST DUNGANNON DIET.

To which is prefixed

A train of HISTORICAL FACTS relative to the Kingdom,
from the Invasion of Henry II. down,

WITH THE

HISTORY OF VOLUNTEERING, &c.

“ We know our Duty to our Sovereign, and are *loyal*; we
know our Duty to *ourselves*, and are resolved to be FREE.”

The PEOPLE.

By C. H. WILSON.

VOL. I.

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TO THE
VOLUNTEER BODY
OF
IRELAND.

SIR,

YOU have promised and proved yourself to be the warmest friend to Liberty and Religious Toleration. I trust I have some claim to your friendship; like you, I have endeavoured for the benefit of my country; like you, in the midst of dangers, I speak bold *truths*; and still farther like you, I glory in the name of an *Irishman*: I, therefore, place this Work under your protection, as a lasting monument of your *public spirit*.

C. H. WILSON.

Dublin,
August 9, 1782.

HISTORICAL FACTS

RELATIVE TO

I R E L A N D.



THAT the present shining period of Irish history may not hereafter be clouded from the vague conjecture of literary pride, the affectation of uncommon discernment, or the prejudice of party, I shall make no apology for presenting my countrymen with a full and compleat collection of their firm and liberal resolutions; to which I intend to prefix the History of Volunteering; and a retrospect of this kingdom from the invasion of Henry II. &c: merely to exhibit our privileges, the innovation of our rights, the restriction of our commerce, and the necessity of our armed associations; so that by contrasting the past time with the glorious prospect of the future, we may be the more truly sensible of the blessings we are about to enjoy, the obligations we are under of piously transmitting them to our children, and the gratitude we owe to Heaven, and those virtuous patriots,

a

whose

whose firm exertions have restored us to that liberty, from which happiness is inseparable.

The English at every period appear to have entertained the highest contempt for the Irish *. Nor is there an historian among them who has treated us, or our affairs, with impartiality; nay, even Giraldus Cambrensis, who attended Henry II. in his expedition here, as Historiographer, has ascribed Mac Murragh's expulsion to an affair of gallantry †, when in fact, it was the tyranny he exercised over his subjects, as may more fully appear in Lord Lyttleton's history of Henry II. on authorities furnished by that venerable historian, Charles O'Connor, Esq; from whose lips I have had a further corroboration of this assertion.

King Henry having obtained a bull from Pope Adrian, his countryman, for the investiture of this kingdom, I shall present it to my readers, as a proof of the miserable superstition, gross ignorance, and Papal authority of those days; and, above all, the religious pretext for the invasion.

“ ADRIAN, Bishop, servant of the servants of God, to his dearest son in Christ the illustrious King of England, greeting and apostolic benediction.

“ Full laudably and profitably hath your magnificence conceived the design of propagating your glorious renown on earth, and completing your reward of eternal happiness in Heaven; while, as a catholic prince, you are intent on enlarging the borders of the church, teaching the truth of the Christian faith to the ignorant and rude, exterminating the roots of vice from the field of the Lord, and for the more

* Even the refined Chesterfield, of graceful memory, who dwelt long amongst us, in a letter to the Bishop of Waterford, represents one of our provinces as then in a state of the most profound ignorance and barbarism.

† The cause of Dermot's expulsion, says the legendary monk, was in consequence of his having carried off the wife of Tiernan O'Rourke King of Breiffne. This lady is represented by the Poets and Annalists of those days, as exceedingly beautiful, and of an amorous disposition; her flight with Mac Murragh it is generally thought carried only the appearance of reluctance; her name was Dervorghal, her father was O'Mallaghlin, King of Meath; she lived to the age of 90, and died in a Convent in Drogheda. Mr. Hume calls her Omach, and her husband Oronic, King of Meath; mistakes which, however trifling, should awaken suspicion to negligence, or ignorance in more important affairs.

convenient

convenient execution of this purpose, requiring the counsel and favour of the apostolic see. In which, the maturer your deliberation, and the greater the discretion of your procedure, by so much the happier, we trust, will be your progress, with the assistance of the Lord; as all things are used to come to a prosperous end and issue, which take their beginning from the ardour of faith and the love of religion.

“ There is indeed no doubt but that Ireland, and all the islands on which Christ the sun of righteousness hath shone, and which have received the doctrines of the Christian faith, do belong to the jurisdiction of St. Peter and of the holy Roman church, as your excellency also doth acknowledge. And therefore we are the more solicitous to propagate the righteous plantation of faith in this land, and the branch acceptable to God, as we have the secret conviction of conscience that this is more especially our bounden duty.

“ You then, most dear son in Christ, have signified to us your desire to enter into the island of Ireland, in order to reduce the people to obedience unto laws, and to extirpate the plants of vice; and that you are willing to pay from each house a yearly pension of one penny to St. Peter, and that you will preserve the rights of the churches of this land whole and inviolate. We therefore, with that grace and acceptance suited to your pious and laudable design, and favourably assenting to your petition, do hold it good and acceptable, that, for extending the borders of the church, restraining the progress of vice, for the correction of manners, the planting of virtue, and the increase of religion, you enter this island, and execute therein whatever shall pertain to the honour of God and welfare of the land; and that the people of this land receive you honourably, and reverence you as their lord: the rights of their churches still remaining sacred and inviolate; and saving to St. Peter the annual pension of one penny from every house.

“ If then you be resolved to carry the design you have conceived into effectual execution, study to form this nation to virtuous manners; and labour by yourself, and others whom you shall judge meet for this work, in faith, word, and life, that the church may be there adorned, that the religion of the Christian faith may be planted and grow up, and that all things pertaining to the honour of God, and the salvation of souls, be so ordered, that you may be entitled to the fulness of eternal reward from God, and obtain a glorious renown on earth throughout all ages.”

As

As the conquest of Ireland by Henry the Second, is an expression frequent in the mouths of the English, I shall adduce Mr. Molyneux's observations on this subject :

“ I come to enquire, whether Ireland might be properly said to be conquered by King Henry II. or by any other Prince in any succeeding rebellion. And here we are to understand by conquest, an *acquisition of a kingdom by force of arms, to which force likewise has been opposed*; if we are to understand conquest in any other sense, I see not of what use it can be made against Ireland's being a free country. I know *conquestus* signifies a peaceable acquisition, as well as an hostile subjugating of an enemy. Vid. Spelman's Glos. And in this sense William I. is called the Conqueror, and many of our Kings have used the epocha *post conquestum*. And so likewise Henry II. stiled himself *conquestor*. & *dominus Hiberniæ*; but that his conquest was no violent subjugation of this kingdom, is manifest from what foregoes*: for here we have an intire and voluntary submission of all the ecclesiastical and civil states of Ireland, to King Henry II. without the least hostile stroke on any side: we hear not in any of the chronicles of any violence on either part; all was transacted with the greatest quiet, tranquility, and freedom imaginable. I doubt not but the barbarous people of the island at that time, were struck with fear and terror of King Henry II's powerful force which he brought with him; but still their easy and voluntary submissions, exempts them from the consequents of an hostile conquest, whatever they are; where there is no opposition, such a conquest can take no place.

“ I have before taken notice of Henry II's using the stile of *conquestor Hiberniæ* †; I presume no argument can be drawn from hence, for Ireland's being a conquered country; for we find that many of the Kings of England have used the æra of *post conquestum*; Edward III. was the first that used it in England, and we frequently meet with *Henricus post conquestum quartus*, &c. as taking the Norman invasion of William I. for a conquest. But I believe the people of England would take it very ill to be thought a conquered nation, in the sense that some impose it on Ireland: and yet we find the same reason in one case, as in the other, if the argument from the King's stile of *conquestor* prevail. Nay, England may be said much more properly to be conquered by Wil-

* See page 11 of this writer.

† Mr. Selden, will not allow that ever Henry II. used this stile. Tit. Hon. Par. 2. C. 5. Sect. 26.

William I. than Ireland by Henry II: for we all know with what violence and opposition from Harold, King William obtained the kingdom, after a bloody battle nigh Hastings. Whereas Henry II. received not the least opposition in Ireland; all came in peaceably, and had large concessions made them of the like laws and liberties with the people of England, which they gladly accepted, as we shall see hereafter. But I am fully satisfied, that neither King William I. in his acquisition of England, or Henry II. in his conquest of Ireland, obtained the least title to what some would give to conquerors. Though for my own part, were they conquerors in a sense never so strict, I should enlarge this prerogative very little or nothing thereby.

“ Another argument for Henry II’s hostile conquest of Ireland, is taken from the opposition which the natives of Ireland gave to the first adventurers, Fitz-Stephens, Fitz-Gerald, and Earl Strongbow; and the battles they fought in assisting Mac Murragh, Prince of Leinster, in the recovery of his principality.

“ ’Tis certain there were some conflicts between them and the Irish, in which the latter were constantly beaten; but certainly the conquests obtained by those adventurers, who came over only by the King’s license and permission, and not at all by his particular command (as is manifest from the words of the letters patents of license recited by *Giraldus Cambrensis*, *Hib. expug.* page 760. *Edit. Francf.* 1603. *Angl. Norm. Hiber. Camd.*) can never be called the conquest of Henry II. especially considering that Henry II. himself does not appear to have any design of coming into Ireland, or obtaining the dominion thereof, when he gave to his subjects of England this license of assisting Mac Murragh. But I conceive rather the contrary appears, by the stipulations between Mac Murragh, and the adventurers; and especially between him and Strongbow, who was to succeed him in his principality.

“ From what foregoes, I presume it appears that Ireland cannot properly be said so to be conquered by Henry II. as to give the parliament of England any jurisdiction over us; it will much more easily appear, that the English victories, in any succeeding rebellions in that kingdom, give no pretence to a conquest: if every suppression of a rebellion may be called a conquest, I know not what country will be excepted. The rebellions in England have been frequent; in the contests between the houses of York and Lancaster, one side or other must needs be rebellious. I am sure the commo-
tions

tions in King Charles I's time, are filed so by most historians. This pretence therefore of conquest from rebellions, has so little colour in it, that I shall not insist longer on it: I know conquest is an hateful word to English ears, and we have lately seen a book * undergo a severe censure, for offering to broach the *doctrine of conquest in the free kingdom of England*.

" But, to take off all pretence from this title by conquest, I come in the third place to enquire, *what title conquest gives by the law of nature and reason*.

" And in this particular I conceive, that if the aggressor or insulter invades a nation unjustly, he can never thereby have a right over the conquered: this I suppose will be readily granted by all men: if a villain, with a pistol at my breast, makes me convey my estate to him, no one will say that this gives him any right: and yet just such a title as this has an unjust conqueror, who with a sword at my throat forces me into submission; that is, forces me to part with my natural estate, and birth-right, of being governed only by laws to which I give my consent, and not by his will, or the will of any other.

" Let us then suppose a just invader, one that has right on his side to attack a nation in an hostile manner; and that those who oppose him are in the wrong: let us then see what power he gets, and over whom.

" First, 'Tis plain he gets by his conquest no power over those who conquered with him; they that fought on his side, whether as private soldiers or commanders, cannot suffer by the conquest, but must at least be as much freemen, as they were before; if any lost their freedom by the Norman conquest, (supposing King William I. had right to invade England) it was only the Saxons and Britains, and not the Normans that conquered with him. In like manner supposing Henry II. had right to invade this island, and that he had been opposed therein by the inhabitants, it was only the antient race of the Irish, that could suffer by this subjugation; the English and Britains, that came over and conquered with him, retained all the freedoms and immunities of free-born subjects; they, nor their descendants, could not in reason lose these, for being successful and victorious; for so, the state of both conquerors and conquered shall be equally slavish. Now, it was manifest that the great body of the pre-

* Bishop of Salisbury's Pastoral Letter.

sent people of Ireland, are the progeny of the English and Britains, that from time to time have come over into this kingdom; and there remains but a meer handful of the ancient Irish at this day; I may say, not one in a thousand: so that if I, or any body else, claim the like freedoms with the natural born subjects of England, as being descended from them, it will be impossible to prove the contrary. I conclude therefore, that a just conqueror gets no power, but only over those who have actually assisted in that unjust force that is used against him.

“ And as those that joined with the conqueror in a just invasion, hath lost no right by the conquest; so neither have those of the country who opposed him not: this seems so reasonable at first proposal, that it wants little proof. All that gives title in a just conquest, is the opposers using brutal force, and quitting the law of reason, and using the law of violence; whereby the conqueror is entitled to use him as a beast; that is, kill him or enslave him.

“ Secondly, Let us consider what power that is, which a rightful conqueror has over the subdued opposers: and this we shall find extends little farther than over the lives of the conquered; I say little farther than over their lives; for how far it extends to their estates, and that it extends not at all to deprive their posterity of the freedoms and immunities to which all mankind have a right, I shall shew presently. That the just conqueror has an absolute power over the lives and liberties of the conquered, appears from hence, because the conquered, by putting themselves in a state of war, by using an unjust force, have thereby forfeited their lives. For quitting reason (which is the rule between man and man) and using force (which is the way of beasts) they become liable to be destroyed by him against whom they use force, as any savage wild beast, that is dangerous to his being.

“ And this is the case of rebels in a settled commonwealth, who forfeit their lives on this account. But as for forfeiting their estates, it depends on the municipal laws of the kingdom. But we are now enquiring what the consequents will be between two contending nations.

“ Which brings me to consider how far a just conqueror has power over the posterity and estates of the conquered.

“ As to the posterity, they not having joined or assisted in the forcible opposition of the conqueror's just arms, can lose no benefit thereby. It is unreasonable any man should be punished but for his own fault. Man being a free agent, is
only

only answerable for his own demerits; and as it would be highly unjust to hang up the father for the son's offence, so the converse is equally unjust, that the son should suffer any inconvenience for the father's crime. A father hath not in himself a power over the life or liberty of his child, so that no act of his can possibly forfeit it. And though we find in the municipal laws of particular kingdoms, that the son loses the father's estate for the rebellion or other demerit of the father, yet, this is consented and agreed to, for the public safety, and for deterring the subjects from certain enormous crimes, that would be highly prejudicial to the commonwealth. And to such constitutions the subjects are bound to submit, having consented to them, though it may be unreasonable to put the like in execution between nation and nation, in the state of nature: for in settled governments, property in estates is regulated, bounded and determined by the laws of the commonwealth, consented to by the people; so that in these, 'tis no injustice for the son to lose his patrimony for his father's rebellion or other demerit.

" If therefore the posterity of the conquered, are not to suffer for the unjust opposition given to the victor by their ancestors, we shall find little place for any power of the conquerors over the estates of the subdued. The father, by his miscarriages and violence, can forfeit but his own life; he involves not his children in his guilt or destruction. His goods, which nature (that willeth the preservation of all mankind as far as possible) hath made to belong to his children to sustain them, do still continue to belong to his children. 'Tis true, indeed, it usually happens that damage attends unjust force; and as far as the repair of this damage requires it, so far the rightful conqueror may invade the goods and estate of the conquered; but when this damage is made up, his title to the goods ceases, and the residue belongs to the wife and children of the subdued.

" It may seem a strange doctrine, that any one should have a power over the life of another man, and not over his estate; but this we find every day; for though I may kill a thief that sets on me in the high-way, yet I may not take away his money; for it is the brutal force the aggressor has used, that gives his adversary a right to take away his life, as a noxious creature: but it is only damage sustained, that gives title to another man's goods.

" It must be confessed, that the practice of the world is otherwise, and we commonly see the conqueror (whether just

or

er unjust) by the force he has over the conquered, compels them with a sword at their breast to stoop to his conditions, and submit to such a government as he pleases to afford them. But we enquire not now, what is the practice, but what right there is to do so. If it be said, the conquered submit by their own consent: then this allows consent necessary to give the conqueror a title to rule over them. But then we may enquire whether promises, extorted by force without right, can be thought consent, and how far they are obligatory; and I humbly conceive they bind not at all. He that forces my horse from me, ought presently to restore him, and I have still a right to retake him: So he that has forced a promise from me, ought presently to restore it, that is, quit me of the obligation of it; or I may chuse whether I will perform it or not: for the law of nature obliges us only by the rules she prescribes, and therefore cannot oblige me by the violation of her rules; such is the extorting any thing from me by force.

“ From what has been said, I presume it pretty clearly appears, that an unjust conquest gives no title at all; that a just conquest gives power only over the lives and liberties of the actual opposers, but not over their posterity or estates, otherwise than as before is mentioned; and not at all over those that did not concur in the opposition.

“ They that desire a more full disquisition of this matter, may find it at large in an incomparable treatise concerning the *true original, extent, and end of civil government*, chap. 16. This discourse is said to be written by my excellent friend, John Locke, Esq. Whether it be so or not, I know not; this I am sure, whoever is author, the greatest genius in Christendom need not disown it.

“ But granting that all we have said in this matter is wrong, and granting that a conqueror, whether just or unjust, obtains an absolute arbitrary dominion over the persons, estates, lives, liberties, and fortunes of all those whom he finds in the nation, their wives, posterity, &c. so as to make perpetual slaves of them and their generations to come; let us next enquire whether concessions granted by such a victorious hero, do not bound the exorbitancy of his power, and whether he be not obliged strictly to observe these grants.

“ And here I believe no man of common sense or justice, will deny it: none that has ever considered the law of nature and nations, can possibly hesitate on this matter; the very proposing it, strikes the sense and common notions of all men so forcibly, that it needs no farther proof. I shall therefore

insist no longer on it, but hasten to consider how far this is the case of Ireland: and that brings me naturally to the fourth particular proposed, viz. To shew by precedents, records, and history, what concessions and grants have been made from time to time to the people of Ireland, and by what steps the laws of England came to be introduced into this kingdom.

“ We are told by Matth. Paris, historiographer to Henry III. that Henry II. a little before he left Ireland, in a public assembly and council of the Irish at Lismore, did cause the Irish to receive, and swear to be governed by the laws of England: ‘ Rex Henricus (saith he) antequam ex Hibernia rediret apud Lismore concilium congregavit ubi leges Angliæ sunt ab omnibus graranter receptæ, & juratoria cautione præstita confirmatæ.’ Vid. Matth. Paris, ad An. 1172. Vit. H. 2.

“ And not only thus, but if we may give credit to Sir Edward Cook, in the 4th instit. cap. 1. and 76. and to the inscription to the Irish *Modus tenendi parliamentum*, it will clearly appear, that Henry II. did not only settle the laws of England in Ireland, and the jurisdiction ecclesiastical there, by the voluntary acceptance and allowance of the nobility and clergy, but did likewise allow them the freedom of holding of parliaments in Ireland, as a separate and distinct kingdom from England; and did then send them a *modus* to direct them how to hold their parliaments there: the title of which *modus* runs thus:

‘ Henricus rex Angliæ conquestor & dominus Hiberniæ, &c. mittit hanc formam archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, justiciariis, vicecomitibus, majoribus, præpositis, ministris, & omnibus fidelibus suis terræ Hiberniæ tenendi parliamentum.’ In primis summonitio parliamenti præcedere debet quadraginta dies. And so forth.

“ This *modus* is said to have been sent into Ireland by Henry II. for a direction to hold their parliaments there. And the sense of it agrees for the most part with the *modus tenendi parl.* in England, said to have been allowed by William the conqueror, when he obtained that kingdom; where ’tis alter’d, ’tis only to fit it the better for the kingdom of Ireland.

“ I know very well the antiquity of this *modus*, so said to be transmitted for Ireland by Henry II. is question’d by some learned

learned antiquaries, particularly by Mr. Selden * and † Mr. Pryn, who deny also the English modus as well as this. But on the other hand, my Lord Chief Justice Cook, in the 4th instit. page 12, and 349, does strenuously assert them both. And the late reverend and learned Dr. Dopping, Bishop of Meath, has publish'd the Irish modus, with a vindication of its antiquity and authority in the preface.

“ There seems to me but two objections of any moment raised by Mr. Pryn against these modi. The one relates both to the English and Irish modus; the other chiefly strikes at the Irish. He says the name *parliament*, so often found in these modi, was not a name for the great council of England known so early as these modi pretend to. I confess I am not prepared to disprove this antiquary in this particular: but to me it seems reasonable enough to imagine that the name *parliament*, came in with William the conqueror: 'tis a word perfectly French, and I see no reason to doubt its coming in with the Normans. The other objection affects our Irish modus, for he tells us, That Sheriffs were not establish'd in Ireland, in Henry II's time, when this modus was pretended to be sent hither; yet we find the word *vicecomes* therein. To this I can only answer, that Henry II. intending to establish in Ireland the English form of government, as the first, and chief step thereto, he sent them directions for holding of parliaments, designing afterwards by degrees, and in due time, to settle the other constitutions, agreeable to the model of England. If therefore England had then Sheriffs, we need not wonder to find them named in the Irish modus, tho' they were not as yet establish'd amongst us, for they were designed to be appointed soon after, and before the modus could be put regularly in execution; and accordingly we find them establish'd in some counties of Ireland, in King John's time.

“ This Irish modus is said to have been in the custody of Sir Christopher Preston of Clane in Ireland, An. 6. Hen. 4. and by Sir John Talbot, Lord Lieutenant of Ireland, under King Henry IV. It was exemplify'd by Inspeximus under the great seal of Ireland, and the exemplification was sometimes in the hands of Mr. Hackwel of Lincoln's Inn, and by him was communicated to Mr. Selden. The tenor of which exemplification runs thus;

“ Henricus dei gratia rex Angliæ, & Franciæ, & dominus
“ Hiberniæ, omnibus ad quos presentes literæ pervenerint

* Tit. hon. par. 2. c. 5. sect. 26. edit. Lond. an. 1672.

† Against Cook's 4th instit. c. 76.

- ‘ rint salutem inspeximus tenorem diverforum articulo-
 ‘ rum in quodam rotulo pergameneo scriptorum cum
 ‘ Christophero Preston, milite tempore arrestationis suæ
 ‘ apud villam de Clare, per deputatum dilecti & fidelis
 ‘ nostri Johannis Talbot de Halomshire chivaler locum
 ‘ nostrum tenentis terræ nostræ Hiberniæ nuper factæ in-
 ‘ ventorum ac coram nobis & concilio nostra in eadem
 ‘ terræ nostra apud villam de trim, Nono die Januarii
 ‘ ultimo præteriti in hæc verba,
 ‘ Modus tenendi parliamenta Henricus rex Angliæ con-
 ‘ questor & dominus Hiberniæ, mittit hanc forman ar-
 ‘ chiepiscopis, &c.” and so as before, “ Et omnibus
 ‘ fidelibus suis terræ Hiberniæ tenendi parliamentum
 ‘ imprimis summonitto, &c.” and then follows the mo-
 ‘ dus, agreeable in most things with that of England, only
 ‘ fitted to Ireland. Then the exemplification concludes :
 ‘ Nos autem tenores articulorum prædictorum de assensu
 ‘ præfati locum tenentis & concilii prædicti tenore presen-
 ‘ tium duximus exemplificandum & has literas nostras
 ‘ fieri fecimus patentes. Teste præfato locum nostrum
 ‘ tenente apud Trim. 12 die Januarii anno regni nostri
 ‘ sexto.

‘ Per ipsum locum tenentem & concilium.’

“ Now we can hardly think it credible (says the Bishop of Meath) that an exemplification could have been made so solemnly of it by King Henry IV. and that it should refer to a modus transmitted into Ireland by King Henry II. and affirm that it was produced before the Lord Lieutenant and Council at Trim, if no such thing had been done : this were to call in question the truth of all former records and transactions, and make the exemplification contain an egregious falsehood in the body of it.

“ The Rev. Bishop of Meath, in his fore-cited preface, does believe, that he had obtain’d the very original record, said by my Lord Cook to have been in the hands of Sir Christopher Preston : it came to that learned Prelate’s hands, amongst other papers and manuscripts of Sir William Domville, late Attorney General in this kingdom, who, in his lifetime, upon an occasional discourse with the Bishop concerning it, told him, that this record was bestow’d on him (Sir William Domville) by Sir James Cusse, late deputy Vice-treasurer of Ireland, that Sir James found it among the papers of Sir Francis Aungier, master of the rolls in this kingdom ; and the present Earl of Longford (grandson to the said Sir Francis

Francis Aungier) told the Bishop, that his said grandfather had it out of the Treasury of Waterford.

“ Whilst I write this, I have this very record now before me, from the hands of the said Bishop of Meath’s son, my nephew, Samuel Dopping; and I must confess it has a venerable ancient appearance; but whether it be the true original record, I leave on the arguments produced for its credit by the said Bishop.

“ This I am sure of, That whether this be the very record transmitted hither by King Henry II. or not; yet ’tis most certain, from the unanimous concessions of all the fore-mentioned antiquaries, Cook, Selden, Pryn, &c. that we have had parliaments in Ireland very soon after the invasion of Henry II. For Pryn confesses that * King Henry II. after his conquest of Ireland, and the general voluntary submission, homages, and fealties of most of the Irish kings, prelates, nobles, cities, and people, to him, as to their Sovereign Lord and King, anno 1170 (it should be 1172) held therein a general council of the clergy at Cathel, wherein he rectify’d many abuses in the church, and establish’d fundry ecclesiastical laws, agreeable to those in the church of England; ‘ Ecclēsiæ illius statum ad Anglicanæ ecclesiæ formam redigere modis omnibus elaborando:’ To which the Irish clergy promised conformity, and to observe them for time to come, as † Giraldus Cambrensis, who was then in Ireland, and other ‡ historians, relate: ‘ Et ut singulis observatio similis regnum colligaret utrumque’ (that is England and Ireland) ‘ passim omnes unanimi voluntate communi assensu, pari desiderio regis imperio se subjiciunt, omnibus igitur hoc modo consummatis, in concilio habito apud Lismore leges Angliæ ab omnibus sunt gratantur receptæ, & juratorio cautione præstita confirmatæ §,’ says Matthew Paris.

“ Can any concession in the world be more plain and free than this? We have heard of late much talk in England of an

* Against the 4th instit. c. 76. p. 249.

† Topograph. Hibern. l. 3. c. 18. Hib. Expug. l. 11. c. 33, 34.

‡ Hoveden an. pars. p. 302. Brampton chr. col. 1071. Knighton de Even. Ang. l. c. 10. col. 2394, 2395. Pol. Virg. hist. Ang. l. 13. Rad. de Diceto. Walsingham, &c.

§ That each and singular every observation similar to one kingdom, should be extended to both (England and Ireland) every where with one common consent and one will, with the equal desire of the King they all form themselves into one empire; this therefore in all things being consummated in a council held at Lismore, the laws of England are received and confirmed by all, with due caution in law and proper confirmation.

original compact between the King and people of England; I am sure 'tis not possible to shew a more fair original compact between a King and people, than this between Henry II. and the people of Ireland, ' That they should enjoy the like ' liberties and immunities, and be govern'd by the same mild ' laws, both civil and ecclesiastical, as the people of England."

The Magna Charta of Ireland coming next to hand, I insert it with the translation, that my countrymen may see *how far* they have enjoyed those privileges, which a sister nation in herself holds sacred.

At the instance of William Earl Marshal, this Charter was granted us, by Henry III. who at the same time, in the most solemn manner, ratified the British one *.

MAGNA CARTA HIBERNIÆ.

REGIS HENRICI TERTII.

XII. DIE NOVEMBRIS, M,CCXVI. ANNO REGNI I.

Ex Libro rubro Scaccharii Dublin.

HENRICUS Dei gratia rex Anglie Dominus Hybernie dux Normannie et Aquitanie et comes Andegavie archiepiscopis episcopis abbatibus comitibus baronibus justiciariis forestariis vicecomitibus prepositis ministris civibus ballivis et fidelibus suis salutem. Sciatis nos intuitu Dei et pro salute anime nostre et omnium antecessorum et successorum nostrorum ad honorem Dei et exaltationem sancte ecclesie et emendationem

* In the year 1253, there was assembled a very full parliament, to whom King Henry III. promised to ratify Magna Charta, and faithfully to observe all the articles of it, which King John and he at his coronation, and often since, had sworn to observe, and this was done in the most solemn and ceremonial manner that could be devised; for the King, with all the great nobility of England, all the Bishops and chief Prelates in their ornaments, with burning candles in their hands assembled to hear the terrible sentence of excommunication upon all the infringers of the same, and at the lighting of those candles, the King bearing one in his hand, gave it to one of the Prelates, saying, "It becomes not me, who am no Priest, to hold this candle, my heart shall be a greater testimony;" and withal laid his hand on his breast the whole time the sentence was reading; which done, the Charter of King John's father was read. In the end having thrown away their candles they cried out, "So let them who incur this sentence be extinct, and stink in hell."

Chron. de Marl. p. 228.
regni

regni nostri per consilium venerabilium patrum nostrorum domini Gaulonis titulo sancti Martini presbiteri cardinalis apostolice sedis legati Petri Winton' L. de sancto Afapho J. Bathon' & Glaston' S. Exon' R. Cicestr' W. Coventr' W. Roffen' H. London' Menevens' Bangor' et S. Wygorn' episcoporum et nobilium virorum Willielmi Mariscalli comitis Pembroc' Ranulfi comitis Cestr' Willielmi de Ferrar' comitis de Derbiz Willielmi comitis de Aubomarle Huberti de Burgo Justiciarii nostri Savantii de Malo Leone Willielmi Bruerie patris Willielmi Bruerie filii Roberti de Curtenai Falcesii de Breante Reginaldi de Vautort Walteri de Laci Hugonis de Mortuo Mari Johannis de Monemute Walteri de Beuchamp Walteri de Clifford Roberti de Mortuo Mari Willielmi de Cantelup' Mathei filii Hereberti Johannis Mariscalli Alani Basset Philippi de Albinacio Johannis Extranei et aliorum fidelium nostrorum.

I. Imprimis concessisse Deo et hac presenti carta nostra confirmasse pro nobis & heredibus nostris imperpetuum quod HYBERNICANA ecclesia libera sit et habeat jura sua integra et libertates suas illesas. Concessimus etiam omnibus liberis hominibus de regno nostro pro nobis et heredibus imperpetuum omnes libertates subscriptas habendas et tenendas iis et heredibus suis de nobis et heredibus nostris.

II. Si quis comitum vel baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare mortuus fuerit et cum decesserit heres suus plene etatis fuerit et relevium debeatur habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia baronis integra per centum solidos ad plus et qui minus debuerit minus det secundum antiquam consuetudinem feodorum.

III. Si autem heres alicujus talium fuerit infra etatem dominus ejus non habeat custodiam ipsius nec terre sue antequam homagium ejus ceperit et postquam talis heres fuerit in custodia ad etatem pervenerit scilicet viginti et unius annorum habeat hereditatem suam sine relevio et sine fine ita tamen quod si ipse dum infra etatem fuerit miles nichilominus terra remaneat in custodia domini sui usque terminum predictum.

IV. Custos terre hujus et heredis qui infra etatem fuerit non capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines et rationabilia servicia et hoc sine destructione vel vasto hominum vel rerum et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre illius nobis respondere debeat et ille destructionem
de

de custodia fecerit vel vastum nos ab eo capiemus emendam et terre illa committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus nobis respondeant vel ei cui nos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem inde fecerit vel vastum amittat custodiam illam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis inde respondeant sicut predictum est.

V. Custos autem quamdiu custodiam terre habuerit sustentet domos parcos vivaria stagna molendina et cetera ad illam terram pertinentia de exitibus terra ejusdem et reddet heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carucis et omnibus aliis rebus ad minus secundum quod illam recepit. Hec omnia observentur de custodia archiepiscopatum episcopatum abbatiarum prioratum ecclesiarum et dignitatum vacantium excepto quod custodie hujus vendi non debent.

VI. Heredes maritentur absque disparagatione.

VII. Vidua post mortem mariti sui statim et sine dilatione aliqua habeat maritagium suum et hereditatem suam nec aliquid det pro dote sua vel maritagio vel hereditate sua quam hereditatem maritus suus et ipsa tenuerunt die obitus ipsius mariti et maneat vidua in domo mariti sui per quadraginta dies post mortem ipsius mariti sui infra quos ei assignetur dos sua nisi prius ei fuerit assignata vel nisi domus illa fuerit castrum et si de castro recesserit statim provideatur ei domus competens in qua possit honeste morari quousque dos sua ei assignetur secundum quod predictum est.

VIII. Nulla vidua distingatur ad se maritandum duo voluerit vivere sine marito ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro si de nobis tenuerit vel sine assensu domini sui si de alio tenuerit.

IX. Nos vel ballivi nostri non faciemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris presentia sufficiunt ad debitum reddendum et ipse debitor paratus inde satisfacere nec plegium ipsius debitoris distringatur quamdiu ipse capitalis debitor sufficit ad solutionem debiti et si capitalis debitor defecerit in solutione non habens unde reddat aut reddere noluerit cum possit plegii respondeant de debito et si voluerint habeant terras et redditus debitoris quousque sit eis satisfactum de debito quod ante pro eo solverunt nisi capitalis debitor monstraverit se esse quietum versus eosdem plegios.

X. Civitas

X. Civitas Dublin' habeat omnes antiquas libertates et liberas consuetudines suas preterea volumus et concedimus quod omnes alie civitates ville et burgi et omnes portus habeant omnes libertates et liberas consuetudines suas.

XI. Nullas distringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam inde debetur.

XII. Communia placita non sequantur curiam nostram sed teneantur in aliquo certo loco.

XIII. Recognitiones de nova disseisina de morte antecessoris et de ultima presentatione non capitantur nisi in suis comitatibus et hoc modo Nos vel si extra regnum fuerimus capitalis justiciarius noster mittemus duos justiciarios per unumquemque comitatum per quatuor vices in anno qui cum quatuor militibus cujuscumque comitatus electis per comitatum capiant et in comitatu et in die et loco comitatus assisas predictas.

XIV. Et si in die comitatus assise predictae capi non possunt tot milites et libere tenentes remaneant de illis qui interfuerunt comitatui die illo per quos possint sufficienter judicia fieri secundum quod negotium fuerit majus vel minus.

XV. Liber homo non amercietur pro parvo delicto nisi secundum modum delicti et pro magno delicto secundum magnitudinem delicti salvo contememento suo et mercator eodem modo salva mercandisia sua et villanus eodem modo amercietur salvo wannagio suo si inciderit in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum et legalium hominum de visneto.

XVI. Comites et barones non amercientur nisi per pares suos et non nisi secundum modum delicti.

XVII. Nullus clericus amercietur nisi secundum formam predictorum et non secundum quantitatem beneficii sui ecclesiastici.

XVIII. Nec villa nec homo distringetur facere pontes ad riparias nisi qui ab antiquo et de jure facere debent.

XIX. Nullus vicecomes constabularius coronatores vel alii ballivi nostri teneant placita corone nostre.

XX. Si aliquis tenens de nobis liacum feodum moriatur et vicecomes vel vallivus noster ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat vicecomiti vel ballivo nostro attachiare et imbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum ita tamen quod nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti

defuncti et si nichil debeatur ab ipso omnia catalla cedant de-
functo salvis uxori sue et pueris suis rationabilibus partibus
suis.

XXI. Nullus constabularius vel ejus ballivus capiat blada
vel alia catalla alicujus qui non sit de villa ubi castrum suum est
nisi statim inde reddat denarios vel respectum inde habere possit
de voluntate venditoris si autem de villa fuerit teneatur infra
tres septimanas precium reddere.

XXII. Nullus constabularius distringat aliquem militem ad
dandum denarios pro custodia castri si ipse eam facere voluerit
in propria persona sua vel per alium probum hominem si ipse
eam facere non possit propter rationabilem causam et si nos
duxerimus vel miserimus eum in exercitum erit quietus de
custodia secundum quantitatem temporis quo per nos fuerit in
exercitu.

XXIII. Nullus vicecomes vel ballivus noster vel alius capiat
equos vel carectas alicujus pro cariagio faciendo nisi reddat
liberationem antiquitus statutum scilicet pro carecta ad duos
equos decem denarios per diem et pro carecta ad tres equos
quatuordecim denarios per diem.

XXIV. Nec nos nec ballivi nostri capiemus alienum boscum
ad castra vel alia agenda nostra nisi per voluntatem ipsius cujus
boscus ille fuerit.

XXV. Nos non tenebimus terras illorum qui convicti fuerint
de feloniam nisi per unum annum et unum diem et tunc reddan-
tur terre dominis feodorum.

XXVI. Et omnes kydelli deponantur de cetero per totam
Avenlich et per totam *Hyberniam* nisi per costeram maris.

XXVII. Breve quod vocatur precipe de cetero non fiat
alicui de aliquo tenemento unde liber amittere possit curiam
suam.

XXVIII. Una mensura vini sit per totum regnum nostrum
& una mensura cervisie et una mensura bladi scilicet quarterium
DUBLIN' et una latitudo pannorum tinctorum russettorum
haubergettorum scilicet due ulne infra listas de ponderibus au-
tem sit ut de mensuris.

XXIX. Nichil detur de cetero pro brevi inquisitionis de
vita et membris sed gratis concedatur et non negetur.

XXX. Si aliquis teneat de nobis per feodi firmam vel so-
cagium vel per burgagium et de alio terram teneat per ser-
viciu militare nec habebimus custodiam heredis nec terre
sue que est de feodo alterius occasione illius feodi firme vel
focagii vel burgagii nec habebimus custodiam illius feodi fir-
me vel focagii vel burgagii nisi ipsa feodi firma debeat servi-
cium.

cium militare. Nos non habebimus custodiam heredis vel terre alicujus quam tenet de alio per servitium militare occasi ne alicujus parve serjantie quam tenet de nobis per servitium reddendi nobis cultellos vel sagittas vel hujusmodi.

XXXI. Nullus ballivus ponat de cetero aliquem ad legem simplici loquela sine testibus fidelibus ad hoc inductis.

XXXII. Nullus liber homo capiatur vel imprisonetur vel disseisnatus aut utlegetur aut exulet aut aliquo alio modo destruatur nec super eum ibimus nec super eum mittemus nisi per legale judicium parium suorum vel per legem terre.

XXXIII. Nulli vendemus nulli negabimus aut differemus rectum aut justiciam.

XXXIV. Omnes mercatores nisi publice antea prohibiti fueint habeant saluum et securum exire de HYBERNIA et venire in HYBERNIAM et morari et ire per HYBERNIAM tam per terras quam per aquas ad emendum et vendendum sine omnibus malis tollis per antiquas et rectas consuetudines preterquam in tempore guerre et si sint de terra contra nos guerrina et si tales inveniantur in terra nostra in principio guerra attachientur sine dampno corporum vel rerum donec sciatur a nobis vel a capitali justiciario nostro quomodo mercatores terre nostre tractentur que tunc invenientur in terra contra nos guerrina et si nostri salvi sint ibi alii salvi sint terra nostra.

XXXV. Si quis tenuerit de aliqua escaeta sicut de honore Walingeford Notingham Bolon' Lancastr' vel aliis escaetis quæ sunt in manu nostra et sunt baronie et obierit heres ejus non det aliud relevium nec faciat nobis aliud servitium quam faceret baroni si terra illa esset in manu baronis et nos eodem modo eam tenebimus quo baro eam tenuit.

XXXVI. Homines qui maneant extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones nisi sint in placito vel plegii alicujus vel aliquorum qui attachiati sint pro foresta.

XXXVII. Omnes homines qui fundaverint abbatias unde habent cartas regum Anglie vel antiquam tenuram habeant earum custodiam cum vacaverint sicut habere debent et sicut supra declaratum est.

XXXVIII. Omnes foreste que afforestate sunt tempore regis Johannis patris nostri statim deafforestentur et ita fiat de gruariis que per eundem Johannem tempore suo posite sunt in defenso.

XXXIX. Nullus capiatur vel imprisonetur propter appellum femine de morte alterius quam viri sui.

XL. Omnes autem istas consuetudines predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici conservent quantum ad se pertinet erga suos.

XLI. Quia vero quedam capitula in priori carta continebantur que gravia et dubitabilia videbantur scilicet de scutagiis et auxiliis assidendis de debitis Judeorum et aliorum et de libertate exeundi de regno nostro et redeundi in regnum nostrum de forestis et forestariis de warrennis et warennariis de consuetudinibus comitatum et de ripariis et earum custodibus plaucit supradictis prelati et magnatibus ea esse in respectu quousque plenius consilium habuerimus et tunc faciemus plenissime tam de his quam de aliis que occurrerint emendanda id quod ad communem omnium utilitatem pertinuerit et pacem et statum nostrum et regni nostri. Quia vero sigillum nondum habuimus presentem cartam sigillis venerabilis patris nostri domini Gualonis titulo sancti Martini presbyteri cardinalis apostolice sedis legati et Willielmi Mariscalli comitis Penbrok' rectoris nostri et regni nostri fecimus sigillari. Testibus omnibus prenominationis et aliis multis. Dat' per manum predictorum domini legati et Willielmi Mariscalli apud Bristolum duodecimo die Novembris anno regni nostri primo.



Translation of the Magna Charta of Ireland, by Henry III.
12th day of November, 1216, An. regni 1. From the Red Book of the Exchequer.

HENRY by the grace of God, King of England, Duke of Normandy, &c. To the Archbishops, Bishops, Abbots, Earls, Barons, Justices, Foresters, Viscounts, Provoests, Ministers, and to all his Bailiffs and his Lieges, greeting. Know ye, that We by the grace of God, and for the saving of our souls, and the souls of all our ancestors, and of our heirs, and for the honour of God, and the safety of our holy church, and for the amendment of our government, by the advice of our venerable fathers, Saint Martin Lord of Gaul, &c. Peter Winton, L. of Saint Asaph, J. Bathon, and Glaston, W. Coventr, S. Exon, R. Cicester, W. Roffen, H. London, Menevens Bangor and S. Hygorn, and of Bishops and Noblemen, William Marshal Earl of Pembroc, Ranulph Earl of Chester, William de Ferrar Earl of Derby, William Earl of Albemarle, Hubert de Burgo, &c.

I. Have

I. Have in the first place granted to God, and confirmed by this our present Charter, for us and for our heirs for ever, That the churches of Ireland shall be free, and shall enjoy their rights and franchises entirely and fully.

II. We have also granted to all the freemen of our kingdom, for us and for our heirs for ever, all the liberties hereafter mentioned, to have and to hold to them and their heirs of us and of our heirs.

III. If any of our Earls, our Barons, or others that hold of us in chief by the knight-service die, and at the time of his death his heirs be of full age, and relief be due, he shall have his inheritance by the antient relief; to wit, the heir or heirs of an Earl, for an entire Earldom, C. pounds; the heir or heirs of a Baron, for an entire barony, C. marks; the heir or heirs of a knight, for a knight, for a whole Knight's fee, C. shillings at most: and where less is due, less shall be paid, according to the antient customs of the several tenures.

IV. The guardians of the land of such heirs being within age, shall take nothing out of the land of the heirs, but only the reasonable profits, reasonable customs, and reasonable services, and that without making destruction or waste of men or goods; and if we shall have committed the custody of the land of any such heir to a Viscount, or any other who is to account to us for the profits of the land, and that such committee make destruction or waste, we will take of him amends, and the land shall be committed to two lawful and good men of that fee, who shall account for the profits to us, or to such as we shall appoint. And if we shall give or sell to any person, the custody of the lands of any such heir, and such donee or vendee make destruction or waste, he shall lose the custody, and it shall be committed to two lawful, sage, and good men, who shall account to us for the same, as aforesaid.

V. And the guardian, whilst he has custody of the heir's land, shall maintain the houses, parks, ponds, pools, mills, and other appurtenances to the land, out of the profits of the land itself; and shall restore to the heir, when he shall be of full age, his land well stocked, with ploughs, barns, and the like, as it was when he received it, and as the profits will reasonably afford.

VI. Heirs shall be married without disparagement.

VII. A widow after the death of her husband, shall presently and without oppression, have her marriage and her inheritance; nor shall give any thing for her marriage, nor for her

her dower, nor for her inheritance, which she and her husband were seized of the day of her husband's death: and she shall remain in her husband's house forty days after his death: within which time her dower shall be assigned her.

VIII. No widow shall be compelled to marry if she be desirous to live single, provided she give security not to marry without our leave, if she hold of us, or without the Lord's leave of whom she holds, if she hold of any other.

IX. We nor our Bailiffs will not seize the lands or rents of a debtor for any debt so long as his goods are sufficient to pay the debt: nor shall the pledges be distrained upon whilst the principal debtor have not wherewith to pay the debt, the pledges shall answer for it: and if they will, they shall have the lands and rents of the debtor till they have received the debt which they paid for him, if the principal debtor cannot shew that he is quit against his pledges.

X. The city of Dublin shall have all her ancient liberties and freedoms; besides we will and grant, that every city, town, and borough have their customs, and all the ports shall have their liberties, freedoms, and customs.

XI. None shall be distrained to do greater service for a Knight's fee, or for any other frank-tenement than what is due by his tenure.

XII. Common Pleas shall not follow our court, but shall be held in a certain place.

XIII. Recognizance of *novel Disseisin*, *Mordancester*, and *darrien Presentment*, shall be taken no where but in their proper counties, and in this manner: we, or our Chief Justice (if ourselves be out of the realm) will send two Justices through every county four times a year; who, with four Knights of every county, to be chosen by the county, shall take the said assizes in the county.

XIV. At a day when the county-court is held, and in a certain place: and if the said assizes cannot be taken upon that day, so many Knights and Free-tenants of them that were present in the county-court that day, shall stay, as may give a good judgment, according as the concern may be greater or less.

XV. A freeman shall not be amerced for a little offence, but according to the manner of his offence; and for a great offence he shall be amerced according to the greatness of his offence, saving his contentment; and so a merchant saving his merchandize; and a villain in like manner shall be amerced saving

saving his wainage, if he fall into our mercy: and none of the said amercements shall be assented, but by oath of good and lawful men of the vicinage.

XVI. An Earl and a Baron shall not be amerced but by their Peers, and according to the manner of their offence.

XVII. No clerk shall be amerced but according to his lay-fee, and in like manner as others aforesaid, and not according to the quantity of his church-living.

XVIII. No ville nor any man shall be distrained to make bridges over rivers, but where they antiently have, and of right ought to make them.

XIX. No Viscounts, Constables, Coroners; or other our Bailiffs, shall hold the pleas of our crown.

XX. If any that holds us a lay-fee die, and our Sheriffs, or other our Bailiffs shew our letters patents of summons for a debt which the deceased owed to us, our Sheriff or Bailiff may well attach and inventory the goods of the dead, which shall be found upon his lay-fee, to the value of the debt which the deceased owed to us, by the view of lawful men, yet so as nothing be removed till such time as the debt, which shall be found to be due to us, be paid; and the residue shall go to the executors to perform the testament of the dead: and if nothing be owing to us, all his goods shall go to the use of the dead, saving to his wife and children their reasonable parts.

XXI. None of our Constables, nor other our Bailiffs, shall take corn, nor other the goods of any person, who may not be of the village where his castle is, without paying for the same presently, unless he have time given him by consent of the vendor.

XXII. Our Constables shall distrain no man who holds by knight-service, to give money for Castle-guard, if he has performed it himself in proper person, or by another good man, if he could not perform it himself for some reasonable cause: and if we lead him, or send him into the army, he shall be discharged of Castle-guard for so long time as he shall be with us in the army.

XXIII. No Viscount, Bailiff of our or other, shall take the horses or carts of any to make carriage, unless he pays according to the antient liberty, to wit, for a cart and two horses ten pence per day, and for a cart and three horses fourteen pence per day.

XXIV. Neither ourselves nor our Bailiffs shall take another man's wood for our castles, or other occasions, but by his leave whose wood it is.

XXV.

XXV. We will hold the lands of such as shall be convicted of felony but a year and a day, and then we will restore them to the Lords of the fees.

XXVI. All wears shall, for this time forward, be wholly taken away in the Avenlich * and throughout all Ireland, except upon the sea-coast.

XXVII. The writ called *precipe* henceforth shall be made to none out of any tenement, whereby a freeman may lose his court.

XXVIII. One measure of wine shall be used throughout our kingdom, and one measure of ale, and one measure of corn, to wit, the London quart. And there shall be one breadth of dyed cloths, russets, and haubergets, to wit, two ells within the lists: and concerning weights, it shall be in like manner as of measures.

XXIX. Nothing shall be given or taken henceforth for a writ of inquisition of life or member, but it shall be granted freely and shall not be denied.

XXX. If any hold of us by fee-farm, or by soccage, and hold likewise land of others by knight-service, we will not have the custody of the heir, nor of the land which is of the fee of another, by reason of such fee-farm, soccage, or burgage, unless such fee-farm owe knight-service.

XXXI. No Bailiff for the time to come shall put any man to his law upon his bare word, without good witnesses produced.

XXXII. No freeman shall be taken, nor imprisoned, nor disseized, nor out-lawed, nor exiled, nor destroyed in any manner; nor will we pass upon him, nor condemn him, but by the lawful judgment of his peers, or by the law of the land.

XXXIII. We will sell none, we will deny nor delay to none right and justice.

XXXIV. All merchants may, with safety and security, go out of Ireland, and come into Ireland, and stay, and pass through Ireland by land and water, to buy and sell without any evil tolls, paying the ancient and rightful duties, except in time of war; and then if they are of the country with whom we are at war, and are found here at the beginning of the war, they shall be attached, but without injury to their bodies or goods, till it be known to us or to our Chief Justice, how our merchants are entreated which are found in our ene-

* River Liffey.

mies country; and if our's be safe there, they shall be safe in our Land.

XXXV. If any hold of an escheat, as of the honour of Wallingford, Nottingham, Boloin, Lancaster, or of other escheats which are in our hand; and are baronies, and die, his heirs shall owe to us no other relief, nor do us any other service, than was due to the baron of such barony when it was in his hand; and we will hold the same in like manner as the baron held it.

XXXVI. Men that dwell out of the forest, shall not appear before our justices of the forest by common summons, unless they be in suit themselves, or bail for others who are attached for the forest.

XXXVII. All that have founded Abbies, whereof they have charters from the kings of England, or ancient tenure, shall have the custody thereof whilst they are vacant, as they ought to have.

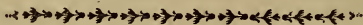
XXXVIII. All the forests that have been afforested in our time, shall instantly be disafforested; in like manner be it of rivers, that in our time and by us have been put in defence.

XXXIX. None shall be taken nor imprisoned upon the appeal of a woman, for the death of any other than her husband.

XL. Likewise all those customs and liberties, which we grant in our said kingdom, to be held as far as to us belongs towards all our said kingdom, clericks as well as laicks, that they may conserve the same, as far as to them belongs towards theirs.

XLI. But because certain chapters contained in the former charter, may appear heavy and doubtful, to wit, concerning escuages, aids of assessing debts of Jews, and others, liberty of going out of our said kingdom, and returning into our said kingdom, forests and foresters, warrens and warrenners, customs of counties, rivers and their keepers, as they may seem fit to the aforesaid prelates and great men, until we shall have these things examined in a more full council, and then we will make more fully, as well what concerns these things, as others that may hereafter occur to be amended; and whatever shall pertain to the common utility of all, and the peace, and our state, and of our kingdom. And because that we have not yet a seal, we cause this present charter to be sealed, with the seals of our venerable father saint Martin, Lord of Gaul, &c. and William Marischal, Earl of Pembroke our rector, and of our kingdom we cause to be sealed. The

witnesſes are the perſons above named and many others; given by the hand of the aforeſaid Lord Legate, and William Marſhal at Briſtol, 12th day of November in the firſt year of our reign.



Soon after the Bill of Rights had passed in England, the following heads of a similar one, for this kingdom, were presented for transmissiion by our parliament to Lord Capel, then Lord Deputy of Ireland, on the 14th of October, 1695, of which no more was heard.

HEADS of a BILL of RIGHTS.

I. That the pretended power of suspending of laws, by regal authority, without consent of parliament, is illegal.

II. That the pretended power of dispensing with laws, or the execution of laws by legal authority, as hath been assumed or exercised, is illegal.

III. That levying money for, or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is, or shall be granted, is illegal.

IV. That it is the right of the subjects to petition the King, or the chief governor, or governors of this kingdom, for the time being, and all commitments or prosecutions, or threats for such petition, are illegal.

V. That the subjects which are protestants may have arms for their defence suitable to their conditions, and as allowed by law.

VI. That the elections of member of parliament ought to be free.

VII. That the freedom of speech, and debates on proceedings in parliament, ought not to be impeached, or questioned, in any place out of parliament.

VIII. That juries ought to be duly impannelled and returned; and jurors which pass upon men in trials for high treason, ought to be freeholders.

IX. That all grants and promises, fines and forfeitures of particular persons before conviction, are illegal and void.

X. That for redress of all grievances in this kingdom, and for amending, strengthening and preserving the laws, parliaments ought not to be dissolved, as they have been in the late reigns.

XI. That the free quartering of soldiers on any of this kingdom, in time of peace, is arbitrary and illegal.

The

The following Extract from a curious Record in the *Calender of Ancient Characters*, will best explain itself.

EDWARDUS Dei gratia rex Angliæ & Franciæ, & dominus Hiberniæ, venerabili in Christo patri M. eadem gratia Archiepiscopo Ardmachono salutem :

Cum alias oneravimus dilectum & fidelem nostrum Nicholaum Dagworth militem, nuncium nostrum versus terram nostram Hiberniæ per nos transmissum, quod ipse in quodam Parlamento in terra nostra prædicta, prætextu literarum nostrarum, dilecto & fideli nostro Willielmi de Wyndesore gubernatori & custodi dictæ terræ nostræ transmissarum, convocando, inter cætera in quadam indentura inter nos & dictum nuncium nostrum confecta, contenta, Prælati, Magnatibus, & Communibus terræ nostræ prædictæ, ad dictum Parliamentum comparentibus, exponi faceret, quod cum nos, tam excessivas & intolerabiles expensas, circa guerras nostras in terra nostra prædicta, pro salvatione & defensione ejusdem, quales ante hæc tempora apposuimus, propter maximam effusionem expensarum quas circa guerras nostras aliunde necessario nos opponere oportebit, de cætero supportare minime valeamus ; iidem Prælati, Magnates & Communes et eorum quilibet, juxta facultates suas & status sui exigentiam, partem rationabilem hujusmodi expensarum super se capere recusarent, tunc dictus nuncium noster ipsos ex parte nostra oneraret, quod quilibet Episcopus duas personas ecclesiasticas idoneas protestatem sufficientem pro se & clero suæ diocesis, per literas procuratorias ab ipsis episcopo & clero, ac communes cujuslibet comitatus dictæ terræ, duas personas laicas protestatem sufficientem tam pro seipsis, quam Magnatibus ejusdem comitatus, ac Cives & Burgeneses cujuslibet Civitatis & Burgi ejusdem terræ, duos Cives & duos Burgeneses potestatem sufficientem pro se, & Civibus & Burgensibus civitatum & burgorum prædictorum habentes, versus nos & consilium nostrum in Anglia, ad tractandum, consulendum & concordandum nobiscum, tam super gubernatione dictæ terræ, quam pro auxilio & sustentatione guerræ nostræ ibidem transmitterent. Et licet idem nuncius noster, præmissa omnia & singula Prælati, Magnatibus & Communibus in Parlamento nostro apud Kilkenny in octabis Sancti Michaelis proximis præteritis, ex causis præmissis summonito & tento, comparentibus, exposuerit, & ipsos in forma prædicta oneraverit ; ipsi tamen se per eorum insufficientiam excusarunt, quod aliquam partem sumptuum & expensarum, pro guerris nostris ibidem manutenendis, ad præsens

part of the expences, for the sustentation of our said war, and for the salvation of our aforesaid land; and if the said Prelates, Nobles, and Commons, should refuse to take on themselves any reasonable part of the expence for the sustentation of the war there, and salvation of the aforesaid land, then our said Nuncio on our part shall inform them, that every Bishop shall have sufficient power for himself and the clergy of his diocese, by letters of procuration from the Bishop and clergy themselves, to transmit two ecclesiastical persons to us and our council in England, to treat, consult, and determine with us, as well for the aid and government of our said land, as the sustentation of our war there. And the Commons of every county of the aforesaid land, shall have sufficient power for themselves, as the Nobles of said county, to send two lay persons for the same purpose, and the citizens and burghesses of every city and borough, two citizens, and two burghesses, &c. And although our same Nuncio, premised all and sigular these things to our Prelates, Nobles, and Commons in our parliament at Kilkenny, in the eighth of St. Michael next past, summoned and held for the premised causes, nevertheless they excused themselves through insufficiency, and at present deny to support any part of the costs and the expences of said war to be maintained in our said land there, on account of which, and for the causes abovesaid, we will, that such persons aforesaid, in the form aforesaid, be transmitted to us into England. And we command you that you convocate yourselves before the clergy of your diocese, chusing for yourselves and your clergy, two ecclesiastical persons, to be elected by the assent of the same clergy, and before us, and our said council of England, at your costs, to appear, and your said clergy within the fifth of the purification of the blessed Virgin next coming wheresoever we shall then be in England, to treat, consult, and agree, as is above said, that ye cause to be transmitted for us to our Chancellor of Ireland, the names of the aforesaid two persons, by you thus chosen, within the feast of the Holy Virgin St. Kathrine, whensoever it shall then be, certified under your seal, under the penalty of one hundred pounds from you, and your said clergy, to be levied for our use, on every such omission, &c.

Witness, William de Wyndesore, governor and keeper of our said land of Ireland, at Kilkenny, the 25th day of October, in the year of our reign of England forty-nine, but in our reign of France, thirty-six.

We

We have the answers of the Archbishop of Armagh, and of the county of Dublin, to this summons, distinctly recorded *.

“ We are not bound,” said the Prelate, “ agreeably to the liberties, privileges, rights, laws and customs of the church and land of Ireland, to elect any of our clergy, and to send them to any part of England, for the purpose of holding parliaments or councils in England. Yet, on account of our reverence to our Lord the King of England, and the now imminent necessity of the land aforesaid, saving to us and to the Lords and Commons of the said land, all rights, privileges, liberties, laws, and customs before mentioned, we have elected representatives to repair to the King in England, to treat and consult with him and his Council. Except, however, that we do by no means grant to our said representatives any power of assenting to any burdens or subsidies to be imposed on us or our clergy, to which we cannot yield by reason of our poverty and daily expence in defending the land against the Irish enemy.”

In like manner we find the county of Dublin at first electing their representatives without power or authority to consent to the imposition of any burdens; the Nobles and Commons “ unanimously with one voice declaring, that according to the rights, privileges, liberties, laws and customs of the land of Ireland, enjoyed from the time of the conquest of said land, they are not bound to send any persons from the land of Ireland to the parliament or council of our Lord the King in England, to treat, consult, or agree with our Lord the King in England, as the writ requires. Notwithstanding, on account of their reverence, and the necessity and present distress of the said land, they have elected representatives to repair to the King, and to treat and consult with him and his Council; reserving to themselves the power of yielding or agreeing to any subsidies.” At the same time protesting, “ that their present compliance is not hereafter to be taken in prejudice to the rights, privileges, laws, and customs, which the Lords and Commons, from the time of the conquest of the land of Ireland, have enjoyed, in consideration of the various burdens which the said Lords and Commons have borne, and still do bear, and which for the future they cannot support—*nisi Dominus Rex manum suam melius apponere voluerit.*”

* MS. Rawlinson.

In 13 year of King Edward I. the statutes of Westminster 1 anno 3 of Gloucester, an. 6 and of merchants, and Westminster 2. an. 13 of his reign, were by his command sent to his chief justice in Ireland, to be there proclaimed and observed, as this one memorandum in the clause roll of that year assures us.

Memorandum, quod die Veneris in festo exaltacionis sanctæ crucis, anno, &c. 13 apud Wynton. liberata fuerunt Rogero Bretun Clerico venerabilis patris W. Waterfordenses episcopi tunc Justic. Hibern. quædam statuta per regem et consilium suum edita et provisâ, viz. statuta * Westm. statim post coronationem edita, et statuta Glouc. et statuta pro mercatoribus facta, ac statuta Westm. † in Parlamento regis Pasch. anno prædicto provisâ et facta, in Heibern. deferenda, et ibidem proclamanda et observanda.

Cl. 13. Ed. 1. dorso m. 5. De Statutis leboratis.

Writs for free commerce between England and Ireland, as common one to another, 253. Raym. 4 Instit.

Richard II. made a voyage to this kingdom, the particulars of which Howe, the English historian thus relates.

Now somewhat of the former voyage of King Richard into Ireland, as the same was reported to Sir John Froisart, by an Esquire of England, named Henry Christall. Sir John (quoth he) it is not in memory, that ever any King of England made such provision for any journey into Ireland, nor such a number of men of armes nor archers. The King was a nine moneths in the marshes of Ireland to his great cost, and charge to the realme, for they bare all his expences: and the marchant-cities, and good townes of the realm thought it well bestowed, when they saw the King returne home againe with honour. The number that hee had thither, were foure thousand men of armes, and thirty thousand archers, well payed weekly. But to shew the truth, Ireland is one of the euill countries of the world to make warre upon or to bring under subiection, for it is closed strongly and wildly with high forrests, and great waters and marshes. It is hard to enter to doe any of the country any damage: nor yee shall find no towne, nor person to speak withall. For the men draw to the woods, and dwell in caues or small cottages, under trees and among bushes, like wild and sauage beasts: and when they know that any man maketh warre against them, being

* Westm. 1. 3. Ed. 1.

† Westm. 2.

entred into their countries, then they draw together to the straits and passages to defend them, so that no man can enter into them. And when they see their time they will soone take their advantage on their enemies, for they know the country, and are light people. For a man of armes, being neuer so well horsed, and runne he neuer so fast, the Irishmen will run on foote as fast as hee, and ouertake him, yea, and leape up upon his horse behinde him, and throw him from his horse; for they are strong men in their armes, and haue sharpe weapons with large blades, two edged, wherewith they will slay theiremie, whom they neuer repute to be dead till they haue cut his throat, and opened his belly, and taken out his heart, which they carry away with them, some say they eate it, and haue great delight therein: they take no man to ransome. And when they see that they be ouer-matched, then they will depart and hide themselues in bushes, woods, and caues, so that no man shall finde them: Sir William Windfore, who had most vsed the warres in those parts of any other Englishman, could neuer learne the manner of the countrey. They be hard people, and of rude wit: and they set nothing by iollity, nor fresh apparell, nor by nobleffe, for though their country be soueraignly governed by Kings, whereof they haue many, yet will they abide and continue in their rudenesse.

Truth it is, that 4 of the principall Kings, and most puissant after the manner of the countrey, are come to the obeysance of the king of England, by loue and faire meanes, and not by battell, or constraint. The Earl of Ormond, who marcheth upon them, hath taken great paine, and hath so intreated them, that they came to Dubline, to the King, and submitted them to him, to be under the obeysance of the crowne of England, wherefore the King and all the realme reputeth this for a great and honourable act. For King Edward did never so much upon them, as King Richard did in his voyage. The honour is great, but the profite is but small, &c. The names of the foure Kings were these, first, the greate Oneale King of Meth, the second Otrine of Thomond, King of Thomond, the third Arthur of Mackquemur King of Leinster, the fourth Ocomor King of Theuenes and Drape, they were made Knights by King Richard in the cathedral church of Dubline: these foure Kings watched all the night before in the church, and the next day at high masse time, were made Knights, and with them Sir Thomas Orphew, Sir Iames Pado, and Sir Iohn Pado, his cousin.

These

These Kings sat that day at the table with King Richard, they were regarded of many people, because their behaviour was strange to the manor of England.

When Sir Iohn Froisart desired to know how it came to passe, that foure Kings of Ireland were so soone brought to the obeyfance of King Richard, when King Edward the King's grand-father, who was so valient a Prince, could neuer subdue them: Sir Henry Christall answered, he could not tell, but as men said, the great puissance that the King had over with him, and remaining there nine moneths, abashed the Irishmen. Also the sea was closed from them on all parts, whereby their marchandises might not enter into their countries, though they that dwell farre within the realme cared little for it, yet such as live on the marches of England and by the sea coast, vse feare of merchandise.

King Edward in his time, had to answer so many warres in France, Britaine, Gascoigne, and Scotland, that his people were divided in divers places, wherefore he could not send any great number into Ireland. But when the Irishmen saw the great number of men of warre that King Richard had in this last iourney, they aduised themselves, and came to obeyfance.



In thes Articles folowing been comprised the Kyng's Will, Determination, Commandement, and Plesures, upon the Parliaments holdyn late at the Naase and Drogheda; and upon the Parliament that shall be now next holdyn within his lands of Irland. Anno 1418, 19 Ed. IV. Rot. claus.

WHERE as have been gret variences of late in our said land of Irland upon two parliaments ther last holdyn; the oen at the Naase, the other at Drogheda, whether of theym should be of auctorite; we have thereupon taken suche directions as folowith:

Furst, We consider that in the said two parliaments were communed and concludet principaly two acts; the oen touching the grauntes of certayn subsidies for the wele and defence of our said land, the secund concerned resumptions aswell of offices as of our revenue.

As touching the subsidies graunted in our parliament holdyn at Drogheda, for as moche as we understand, that it was graunted, and also in gret part, as we ben enformed,
e leved

leved for the wele and defence abovesaid, We will that the same graunts with all that thereto apperteyneth be gode and effectuell, and also auctorised by the parliament in our said land now next to be holdyn.

As touching the acts of resumptions in eather of the said parliaments passed, which of partialte and malice been, and have been more hurtyng to our subjects ther than to us or the wele of our said land profitable; we will that the same acts be maad void and of none effect in the lawe, except the resumption of offices and Chauncellership and Tresoreship, made in the parliament holdyn at Drogheda, the which we will that hit stand in his force and effect. Considering that thereuppon, we have made the Bishop of Meth, our Chanfeler, and Sir Rouland Eustace, Knyght, our Tresorer there; and we will, that a general act of resumption fro the furst day of Kyng Herry the VIte, be had and made in the next parliament touching our revenue; and that such provision be made upon the same by our Depute Lieutenant there according to our plesure; which our plesure we have shewed to our right trusty and welbeloved cosyn Therle of Kyldare, whom we have ordered to be Depute Lieutenant, and to the reverend father in God the Bishop of Mythe, whom we have ordeyned as is above said to be our Chanfeler.

As touching the resumpcion of offices, forasmoche as offices of Chanfeler and other in the Deputies commysion to us oonly reserved, we will that the offices of Chief of the Exchequer and the Maister of our mint there be resumed in this same parliament, and our leters patents be mad there uppon under our gret seall there, to those persons to whom we have made our grauntes upon the same.

And as to other offices to us in the said commysion not reserved, we be contented that such of theym be resumed, and they for the wele of us and our said land, by our said Depute Lieutennant so disposed, as shall be thought by him moste expedient.

We will also, that at thys said parliament be resumed the office of Seneschalsie of the liberte of Methe, with the fees, wages, and rewards therfor by us, or otherwise to any person graunted, and so to remayn in our hands at our pleasure. We will also, that if any act have be made to the prejudice of us, and in derogacion of our Corone in restreynning of tonnage and pondage, it be utterly revoked and annulled, and in this parliament the old graunt thereof renewed

velled and established, as shall be best for our right, wele and honor.

Item, the Kyng willeth, That such an act as herto before hath be made in the land there restreyning, that noe man within that land shall be called out of the said land by any precept or commandement, made under the Kyng's grete seall, prive seall or signet in England, be utterly revoked and adnulled.

Item, The Kyng willeth, that upon resumption of the Kyng's revenues to be made in this parliament, the townes of Divelyn * and Drogheda be providet fore al suche grauntes as have ben made unto they by the Kyng's auctorite, his progenitours or predoecessours, so that they promise to be redy to doo the Kyng service, at suche tymes as by the Kyng's Lieutenant or his depute they shall be designed.

Thes articles folouying conteyne, the Kyng's comanndements and plesere, how his Chanfelere of Irland, Clerc of the Rolles, and the Clerk of the Hanaper ther, shall demene them there in executyng of ther offices.

Furst, They and everithe of them, shall well and trewly serve the Kyng and his liege peple of the same land, in the doying of their offices.

Item, That they ne none of them shall assent to the hurt, damage, or alienacion of the Kyng's lands, revenues, or rights; but they shall endevoer them selfe for the vauncyng and encrefying therof, and lette all them to the best of their powere, that wold attempt the contrary therof.

Item, That the sead Chaunfeler do serv alweyes in suche place and tymes as the Clerc of the Rolles, the Clerc of the Hanaper, and other ministers of the Chaunfery, may be ther and then present.

Item, That the said Chaunfeller do delyvre to the Clerc of the Rolles, all such warrants cummyng to his hands, so as he may kepe them as the Kyng's recordes, according to his office.

Item, That the said Chaunfeller sele no pardon under the grete sele, unto any man upon his provisiōe from the court of Rome, without the King's knowlege and consent.

Item, The Chaunfeller in person, shall in true time make his abidyng in the place wher the Kyng's Courts be kept, unlesshe ther by a great and urgent cause, by the depute with the advise of the more part of the Kyng's Consele, it be thought his absence to be allowed.

Item,

* Dublin.

Item, That the Clerc of the Rolles do enroll all patents under the Kyng's grete seall, before that they be deliveret to the parties, and kepe so the Kyng's records, that none of them be rased, ne besoyled.

Item, That he see and write at every seale, what profits growith unto the Kyng thereof, and the specialtees of the same; so that his booke so made may be a controllment upon the accompts of the Clerc of the Hanaper, to be made yerly in the Kyng's Eschequer there.

Item, That no lyvere be made to the Kyng's tennant, nor yet restitution to be made to any Bishop, Abbot, or Prior, without that the Kyng be furst answered of his duete, accordynge to the rate of the tyme that the landes have ben in the Kyng's handes.

Item, That the Clerc of the Hanapier continueley receive the fees of the seale of writts, commissions and patents; and also, all suche fynes as shall be made in the Chauncery, and thereupon pay the Chaunceller his fees, wages, and rewards accustomed, and deliver the remenant unto the Kyng's Eschequer upon his accompts, which he shall make yerly therof: and to thentent that noone ignorance may be pretendit, what fines ben to be made them within the Kyng's Chauncery, the specialties of them hereafter ensueth.

All writs of covenant, every assise and writs in nature, assise and other writts of entry above the value of 40s. unto the value of 5 marks,	l. s. d.
	o 6 8

Every special assise, be hit ever so litell, it maketh a fyne, and <i>streitly</i> , every 5 marks,	o 6 8
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Every formedonne above 40s. unto 8 marks,	o 6 8
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Every pone of Justices, pone of writts of right, every writt of conspirici, writts of atteynthe, and writts of false judgment, the fine,	o 6 8
--	-------

Every recordan of dett or trespassse, and every dedimus potestatem upon a writt of covenant,	o 6 8
--	-------

Every writt of dett or trispasse, exceeding the some value or prise of 40 <i>l.</i> unto the some of 60 <i>l.</i>	o 6 8
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Also an attachments of the privilege of dett or trispasse according to the same, and if hit exceeds more to pay more.

All respite of homage 6s. 8*d.* or mark after the quantite of the lveled; all oyer and determinor at the suit of the partie, *if gretter trispasse the grett fyne.* All manner of licence to purchase temperell lveled to mortmayne the first yere value of the same. All manner licence of spirituall livlihood, as appropriaciery of churches or of benefices, spirituall

of holy church, four yere value of the same. All maner licence of alienacion by the Kyng's tenannt, the third part of the value thercof. All pardons of alienacions made by the Kyng's tenaunt, the value of a hole yere. All maner licence of marriage of the Kyng's widdows, the third part of their dower. All manner of confirmacions of offices, the third part or fourth part of the value thereof, by the yere. All confirmacions of libertees and franchisees, the third part, or the fourthe part of the profits or value of the same franchisees. All patents of devysing the third part of the value of his goods. All pardons of the Kyng's widdowes married without licence, the value of her dower by the year.

Item, That the Clerc of the Kyng's Hanaper, leave for him a depute in the court of the Kyng's Bench, another in the court of the Common Place, which shall receive for the Kyng all the profites growing of the Kyng's fele in either of the said courts, and thereupon, shall yeld his accompt in the Kyng's Eschequer.

Here folowyth the Kyng's comanndements and plesure, to be shewed unto Sir Rouland Eustace, Knyght, whom his Highnesse hath deputed to be Tresorer of his land of Irland.

Furst, The said Sir Rouland, shall well and trewly behave hym in the occupieng of his said office, and justely and right-ouilly exercise it, as well betwix the Kyng and his subjects, as betwix the Kyng's subjects.

Item, He shall not assent nore agre to the hurt, dammage, or disheretyng the Kyng of his lands, revenues, rights, regalie or prerogatifs, but in all that hym is, he shall uphold, mayntene, encrease and avaunce them.

Item, That the said Sir Rouland continually endeavour himself, that the Kyng be yerely ansuered of all such revenues and rights, as shall belong unto his highnes within his land of Irland, and that he do send unto the Kyng's goode grace yerly, a trew and pleyn vews thereof, comprysing the particulers and specialtees of the same.

Item, That the same Sir Rouland remytte and forgete all malice and evill will that he hath borne and berith to the Bishop of Mythe, Bermyngham, the Justice, and all other the Kyng's subjects within the said land; for the Kyng's highnesse hath comaundet them in semblable wise to do toward hym Also the King wol that he delivre his grete fele, beyng in his kepyng, unto the said Bishop of Mythe, whom he hath deputed and made to be his Chaunseller of his said land of Irland.

deputed

Item, That the said Sir Rouland kepe the appointment by the Kyng, taken betwix hym and Sir Robert Eustace in thes articles folouyng, beth comprised the Kyng's comaundments and plesere, to be executed and accomplished by his Juges and Barons of the Eschequer within his land of Irland.

Furst, That this and every of them, duely and trewly have them as well towards the Kyng's highenesse as towards his subjects, in executyng and doyng of their offices, and after their cunyng and discrecion, justely and indifferently minister justice to all the Kyng's subjects in theese parties.

Item, That nether thei ne eny of them, assent nor agree to the hurtyng or damagyng of any suche revenues, en his laws, prerogatifis, rights or interest to the Kyng in any wise belongyng, but that thei and everith of theym endeavour theym to their power to the avauncing and encrecyng thereof.

Item, That they and everith of them, employ them as effectually as they can, that all fines, amerciaments, and all other issues and profits, shall or ought righturfly to grow within the Kyng's levity, whom they have or shall have administration of justice, be truely and dusly cessed and ordered; and that thereof a due comptes be made yerly in the Kyng's Eschequer ther, so that their fees, wages and rewards, may be paiet and contented of the same, as farre as it shall stretche unto.

Item, In caas that eny variences growe amongst the Kyng's subjects in thes parties, which God defends, whereby the Kyng or the comen wele of his land ther by eny liklyod shold be hurted, that thei endeavour themself to the best of ther power, to appeyse those variences, and that suche direction be taken therupon as shall best acorde to reson, and to the wele of the Kyng, and of his said land of Irland.

Item, That the Juges of both the places, aid, assiste, and favoir, such persons as the Clerke of the Hanaper shall depute for hym ther, for the recevyng of profits of the Kyng's seles within the same places, so that the Kyng may be thereby answered thereof, as he ought to be.

In the articles folouyng ben comprised the Kyng's plesure, howe and in what forme Gerard Therle, of Kildare, depute unto his Lieutenant, shall be demeaned in the peerceing of his office of the said depute, within his land of Irland.

Furst, The seid Erl shall wel and trewly serve the Kyng as depute to his Lieutenant of Irland, in all and every thing comprised in his commission.

Item,

Item, He shall to the uttermost of his power, defend the Kyng's lands and his subjects within the said land, against the Kyng's rebels and Irish ennemyes.

Item, He shall not assent to the hurt, damage, or alienation of the Kyng's lands, revenues, or rights within that land, but to the best of his power, avance and encreaseth them, and hold all those that wold attempt to do the contrary.

Item, He shall not pardon thentre of any of the Kyng's tennants upon the Kyng's possession, nor yet graunt to deny them licence without a reasonable fyne.

Item, He shall graunt no pardon to any man upon his provision purchaseth or to be purchaseth from the court of Rome, ne therof he shall addresse no warrant unto the Chaunceler, without the Kyng's knowleche and assent.

Item, He shall favor, aide and assiste all the Kyng's officers within the same land, in the doing of their offices, and resist all therein that would maliciously attempt agens them for the doying of the saime.

Item. He shall effectuayly endeavour himself, that Sir Rouland Eustace deliver unto the Bishop of Methe, whom the Kyng hath deputed to be his Chaunceler of the same land, the Kyng's grete fele.

Item, In neo parliament to be holdyn hereafter ther shall no subsidie be axed, ne graunted in the same upon the commounes ne levied but once in a yere, which shall not excede the extent of 1200 marks, as hath been accustomed.

Item, That noo thing that is or shall be commowned and concluded in Counsele, be taken in strenth as an act of Counsele, unless the Kyng's Lieutenant or his depute give his assent thereunto, by the advis of the more part of the Kyng's Counsele there, that is to say, the Chanfeler, the Tresorer, the Kyng's Chief Justys, the Chief Baron of the Kyng's Eschequer, the Clerc of the Rolls, the Kyng's Serjant.

Item, The Kyng will also, that the Maister of the Mint, work his cuniage oonly in the Castle of Divelin.

Item, That in the same cuinage touching the fynesse, it be according to the standart of England, and that an unce of sillver of that fynesse be coyned 4s. 8d. whereof to the merchant 4s. 2d. to the Kyng, the Maister of the Mynt, for hym, the odyr officers, and the Coyners 6d.

Item, That all and every of the peces to be coyned, ber a notable difference on eyther side; on the cross side a rose, and upon the pile side, a notable difference of the Kyng easy to be known to every body, accordyng to suche prints as ben delivered unto the Maister of the Mynt here.

* Such parliaments as have been held in Ireland, and such acts as have been made in them since that year in the reigns of King Henry VI. Edward IV. Henry VII. VIII. Philip and Mary, Queen Elizabeth, and King James, and what else concerns the parliament of Ireland, their summons, members privileges, jurisdictions, proceeding, acts and settling of the English laws, government, statutes in that realm, you may peruse at leisure in the statutes of Ireland, published by Mr. Richard Bolton, Dublin, 1621, especially 25 Henry VI. c. 28, An act that the Lords of parliament in pleas shall not be amerced, otherwise than other persons; 3 Edward IV. c. 5. An act whereby the Lords and Commons of parliament shall have privilege for forty days before and after the parliament; 15 Edward IV. c. 2. An act concerning the chusing of knights and burgesses of parliament; 10 Henry VII. c. 4. That no parliament be holden in this land, until the acts be certified into England; c. 16. An act declaring the effect of Poyning's act; 33 Henry VIII. c. 1. An act declaring how Poyning's act shall be expounded; 4 Philip and Mary, An act authorising statutes to be made in this parliament notwithstanding Poyning's act; 11 Elizabeth, sessi. 2. An act that there be no bill certified into England, for the repeal or suspension of Poyning's act, before the same be first argued upon in a session of parliament holden in this realm.

Presuming that the foregoing references relative to Poyning's act will be perused, I shall adjoin what Hume says on this subject.

The King's (Henry VII.) authority appeared equally prevalent and uncontrollable in Ireland; Sir Edward Poyning had been sent over with some troops into that country, with an intention of quelling the partizans of the house of York, and of reducing the natives to subjection: he was not supported with forces sufficient for that important enterprise. The Irish, by flying into their woods, morasses, and mountains, in some measure eluded his efforts: but Poyning summoned a parliament at Dublin, where he was more successful. He passed that memorable statute, which still bears his name, and which establishes the authority of the English government in Ireland. By this statute all the former laws of England, were made to be of force in Ireland; and no bill can be introduced into the Irish parliament, unless it previously receives the sanction of the council of England. This latter law seems calculated for ensuring the dominion of the English over Ireland; but was really granted at the desire of the Irish commons, who proposed, by that means, to secure themselves from the tyranny of the Lords, particularly of such Lieutenants as were of Irish birth †.

* Pryn, 4. inst.

† Sir J. Davies.

I come now to consider our Commercial Restrictions, which I find already so happily enumerated, in a work intitled "The Commercial Restraints of Ireland considered, in a series of letters to a noble lord," that I shall take the freedom with the judicious writer of giving his first letter entire, and the facts, &c. chiefly of the rest.

FIRST LETTER.

MY LORD,

Dublin, 20th Aug. 1779.

YOU desire my thoughts on the affairs of Ireland; a subject little considered, and consequently not understood in England. The Lords and Commons of Great Britain have addressed his Majesty to take the distressed and impoverished state of this country into consideration; have called for information, and resolved to pursue effectual methods for promoting the common strength, wealth and commerce of both kingdoms; and his Majesty has been pleased to express, in his speech from the throne, his entire approbation of their attention to the present state of Ireland.

The occasion calls for the assistance of every friend to the British empire: those who can give material information are bound to communicate it. The attempt however is full of difficulty; it will require more than ordinary caution to write with such moderation as not to offend the prejudices of one country, and with such freedom as not to wound the feelings of the other.

The present state of Ireland teems with every circumstance of national poverty. Whatever the land produces is greatly reduced in its value: wool is fallen one half in its usual price; wheat one third; black cattle of all kinds in the same proportion, and hides in a much greater: buyers are not had without difficulty at those low rates, and from the principal fairs men commonly return with the commodities they brought there: rents are every where reduced, in many places it is impossible to collect them: the farmers are all distressed, and many of them have failed: when leases expire, tenants are not easily found: the landlord is often obliged to take his lands into his own hands, for want of bidders at reasonable rents, and finds his estate fallen one fourth in its value.

value. The merchant justly complains that all business is at a stand, that he cannot discount his bills, and that neither money nor paper circulates. In this and the last year, above twenty thousand manufacturers, in this metropolis were reduced to beggary for want of employment; they were for a considerable length of time supported by alms; a part of the contribution came from England, and this assistance was much wanting from the general distress of all ranks of people in this country. Public and private credit are annihilated: parliament, that always raises money in Ireland on easy terms, when there is any to be borrowed in the country, in 1778 gave $7\frac{1}{2}$ l. per cent. in annuities, which in 1773 and 1775 were earnestly sought after at 6l. then thought to be a very high rate. The expences of a country, nearly bankrupt, must be inconsiderable; almost every branch of the revenue has fallen; and the receipts in the treasury for the two years, ending lady-day, 1779, were less than those for the two years, ending lady-day, 1777, deducting the sums received on account of loans in each period, in a sum of 334,900l. 18s. 9½d: there was due on the 25th of March last, on the establishments, and for extraordinary expences, an arrear amounting to 373,706l. 13s. 6½d.: a sum of 600,000l. will probably be now wanting, to supply the deficiencies on the establishments and extraordinary charges of government: and an annual sum of between 50 and 60,000l. yearly, to pay interest and annuities: in the last session 466,000l. was borrowed; if the sum wanting could now be raised, the debt would be increased in a sum of above 1,000,000l. in less than three years, and if the expences and the revenues should continue the same as in the last two years, there is a probability of an annual deficiency of 300,000l. The nation in the last two years has not been able to pay for its own defence; a militia law, passed in the last session, could not be carried into execution for want of money. Instead of having forces abroad*, Ireland has not been able in this year to pay the forces kept in the kingdom: it has again relapsed into its ancient state of imbecility, and Great Britain has been lately obliged to send over money to pay the army† which defends this impoverished country.

* On account of the inability of Ireland, Great Britain since Christmas, 1778, relieved her from the burthen of paying forces abroad.

† A sum of 50,000l. has been lately sent from England for that purpose.

Our distress and poverty are of the utmost notoriety ; the proof does not depend solely upon calculation or estimate, it is palpable in every public and private transaction, and is deeply felt among all orders of our people.

This kingdom has been long declining. The annual deficiency of its revenues, for the payment of public expences, has been, for many years, supplied by borrowing. The American rebellion, which considerably diminished the demand for our linens ; an embargo on provisions continued for three years *, and highly injurious to our victualing trade ; the increasing drain of remittances to England for rents, salaries, profits of offices, pensions and interest, and for the payment of forces abroad, have made the decline more rapid, but have not occasioned it.

If we determine to investigate the truth, we must assign a more radical cause : when the human or political body is unsound or infirm, it is in vain to inquire what accidental circumstances appear to have occasioned those maladies which arise from the constitution itself.

If in a period of fourscore years of profound internal peace, any country shall appear to have often experienced the extremes of poverty and distress ; if at the times of her greatest supposed affluence and prosperity, the slightest causes have been sufficient to obstruct her progress, to annihilate her credit, and to spread dejection and dismay among all ranks of her people ; and if such a country is blessed with a temperate climate and fruitful soil, abounds with excellent harbours and great rivers, with the necessaries of life and materials of manufacture, and is inhabited by a race of men, brave, active, and intelligent, some permanent cause of such disastrous effects must be sought for.

If your vessel is frequently in danger of foundering in the midst of a calm ; if by the smallest addition of sail she is near oversetting, let the gale be ever so steady, you would neither reproach the crew, nor accuse the pilot or the master ; you would look to the construction of the vessel, and see how she had been originally framed, and whether any new

* By a proclamation, dated the 3d of February, 1776, on all ships and vessels, laden in any of the ports in this kingdom, with provisions of any kind, but not to extend to ships carrying salted beef, pork, butter and bacon into Great Britain, or provisions to any part of the British Empire, except the colonies mentioned in the said proclamation. 4th of January, 1779, taken off as far as it relates to ships carrying provisions to any of the ports of Europe.

works had been added to her, that retard or endanger her course.

But for such an examination more time and attention are necessary than have been usually bestowed upon this subject in Great Britain; and as I have now the honour to address a person of rank and station in that kingdom on the affairs of Ireland, I should be brief in my first audience, or I may happen never to obtain the favour of a second.

I have the honour to be, my lord, &c.

SECOND LETTER.

MY LORD,

Dublin, 23d August, 1779.

FROM the time that king James the first had established a regular administration of justice in every part of the kingdom, until the rebellion of 1641, which takes in a period of between thirty and forty years, the growth of Ireland was considerable *. In the act recognizing the title of king James, the Lords and Commons acknowledge “that many blessings and benefits had, within these few years past, been poured upon this realm †;” and at the end of the parliament in 1615, the commons return thanks for the extraordinary pains taken for the good of this republic, whereby they say “we all of us sit under our own vines, and the whole realm reapeth the happy fruits of peace ‡.” In his reign the little that could be given by the people, was given with general consent §: and received with extraordinary marks of royal favour; he desires the lord-deputy to return them thanks for their subsidy, and for their granting it with universal consent ||; and to assure them that he holds his subjects of that kingdom in equal favour with those of his other kingdoms; and that he will be as careful to provide for their prosperous and flourishing state, as for his own person.

* Its tranquility was so well established in 1611, that king James reduced his army in Ireland to 176 horse, 1450 foot. Additional judges were appointed; circuits established throughout the kingdom, 2d Cox, 17; and Sir John Davis observes, that no nation under the sun loves equal and indifferent justice better than the Irish. Davis, p. 184, 196.

† 13 Jac. ch. i.

§ 1b. 61.

‡ Vol. Com. Journ. p. 92.

|| 1b. p. 88.

Davis mentions the prosperous state of the country, and that the revenue of the crown, both certain and casual, had been raised to a double proportion. He takes notice how this was effected, "by the encouragement given to the maritime towns and cities, as well to increase the trade of merchandise, as to cherish mechanical arts;" and mentions the consequence, "that the strings of the Irish harps were all "in tune."

In the succeeding reign, Ireland for fourteen or fifteen years appears to have greatly advanced in prosperity. The commons granted in the session of 1634, six entire subsidies, which they agreed should amount in the collection to 250,000l.*; and the free gifts previously given to king Charles the first, at different times, amounted to 310,000l.†; in the session of 1630, they gave four entire subsidies, and the clergy eight; the customs which had been framed at 500l. yearly, in the beginning of this reign, were in the progress of it set for 54,000l.

The commodities exported were twice as much in value, as the foreign merchandize imported, and shipping is said to have increased an hundred fold §. Their parliament was encouraged to frame laws conducive to the happiness and prosperity of themselves and their posterities, for the enacting and "consummating" whereof the king passes his royal word; and assures his subjects of Ireland that they were equally of as much respect and dearness to him as any others †.

In the speaker's speech in 1639, enumerating the national blessings, he mentions as one, "that our in-gates and out-gates do stand open for trade and traffic**" and as the lord chancellor declared his excellency's "high liking of this oration," it may be considered as a fair account of the condition of Ireland at that time. When the commons had afterwards caught the infection of the times, and were little disposed to pay compliments, they acknowledge, that this kingdom, when the earl of Stratford obtained the government, "was "in a flourishing, wealthy and happy estate ††.

After the restoration, from the time that the acts of settlement and explanation had been fully carried into execu-

* Cox's Hist. of Ireland, 2 Vol. 61.

† Some of these subsidies, from the subsequent times of confusion, were not raised.

§ Lord Stafford's Letters, 2d Vol. p. 297.

† Leland's Hist. of Ireland, 3d Vol. 41.

** Ir. Com. Jour. 1st Vol. p. 228, 229.

†† Lord Clarendon. Cox, ib. Ir. Com. Journ. 1 Vol. p. 280, 311.

tion, to the year 1688, Ireland made great advances, and continued, for several years, in a most prosperous condition*. Lands were every where improved; rents were doubled; the kingdom abounded with money; trade flourished to the envy of our neighbours; cities encreased exceedingly; many places of the kingdom equalled the improvements of England; the king's revenue increased proportionably to the advance of the kingdom, which was every day growing, and was *well established in plenty and wealth* †; manufactures were set on foot in divers parts; the meanest inhabitants were at once enriched and civilized: and this kingdom is then represented to be the most improved and improving spot of ground in Europe. I repeat the words of persons of high rank, great character and superior knowledge, who could not be deceived themselves, and were incapable of deceiving others.

James, the first duke of Ormond, whose memory should be ever revered by every friend of Ireland, to heal the wound that this country had received by the prohibition of the export of her cattle to England, obtained from Charles the Second a letter ‡, dated, the 23d of March, 1667, by which he directed that all restraints upon the exportation of commodities, of the growth or manufacture of Ireland, to foreign parts, should be taken off, but not to interfere with the plantation laws, or the charters to the trading companies, and that this should be notified to his subjects of this kingdom; which was accordingly done by a proclamation from the lord lieutenant and council; and at the same time by his majesty's permission, they prohibited the importation from Scotland of linen, woollen, and other manufactures and commodities, as drawing large sums of money out of Ireland, and a great hindrance to its manufactures. His grace successfully executed his scheme of national improvement, having by his own constant attention, the exertion of his extensive influence, and the most princely munificence, greatly advanced the woollen, and

* Archbishop King, In his state of the protestants of Ireland, p. 52, 53, 445, 446. Lord Chief Justice Keating's address to James the Second, and his letter to Sir John Temple, ib.

† The prohibition of the exportation of our cattle to England, though a great, was but a temporary distress; and in its consequences greatly promoted the general welfare of this country.

‡ Lord Sydney's words in his speech from the throne, in 1692, from his own former knowledge of this country. Ir. Com. Journ. 2d Vol. p. 577.

§ Carte, 2 Vol. p. 342, 344.

revived * the linen manufactures, which England then encouraged in this kingdom, as a compensation for the loss of that trade of which she had been deprived; this encouragement, from that time to the revolution, had greatly increased the wealth, and promoted the improvement of Ireland.

The tyranny and persecuting policy of James the second † after his arrival in Ireland, ruined its trade and revenue; the many great oppressions which the people suffered during the revolution had occasioned almost the *utter desolation* of the country. § But the nation must have been restored in the reign of William to a considerable degree of strength and vigour: their exertions in raising supplies to a great amount, from the year 1692 to the year 1698, are some proof of it. They taxed their goods, their lands, their persons, in support of a prince whom they justly called their deliverer and defender, and of a government on which their own preservation depended. Those sums were granted ||, not only without murmur, but with the utmost cheerfulness, and without any complaint of the inability, or representation of the distressed state of the country.

The money brought in for the army at the revolution, gave life to all business, and much sooner than could have been expected retrieved the affairs of Ireland. This money furnished capitals for carrying on the manufactures of this kingdom. Our exports increased in 96, 97 and 98, and our imports did not rise in proportion, which occasioned a great balance in our favour; and this increase was owing principally to the woollen manufacture. In the last of those years the ballance in favour of Ireland in the accounts of exports and imports was 419,442l. **.

But in the latter end of this reign a law was made in England, restraining, in fact prohibiting the exportation of all woollen manufactures from Ireland. From the time of this prohibition no parliament was held in Ireland until the year 1703. Five years were suffered to pass before any opportunity was

* Lord Strafford laid the foundation of the linen manufacture in Ireland, but the troubles which soon after broke out had entirely stopped the progress of it.

† Harris's life of K. W. 116.

§ The Words of Lord Sydney, in his speech from the throne in 1692. Com. Jour. 2 Vol 576.

|| Ir. Com. Jour. 3 Vol. 45 and 65, that great supplies were given during this period.

** Dobbs, p. 5, 6, 7, 19.

given to apply a remedy to the many evils which such a prohibition must necessarily have occasioned. The linen trade was then not thoroughly established in Ireland; the woollen manufacture was the staple trade, and wool the principal material of that kingdom. The consequences of this prohibition appeared in the session of 1703*.

In an address to the queen †, laid before the duke of Ormond, then lord lieutenant, by the house with its speaker, they mention the distressed condition of that kingdom, and more especially of the industrious protestants, by the almost total loss of trade and decay of their manufactures, and to preserve the country from utter ruin, apply for liberty to export their linen manufactures to the plantations.

In a subsequent part of this session ‡, the commons resolve, that by reason of the great decay of trade and discouragement of the manufactures of this kingdom, many poor tradesmen were reduced to extreme want and beggary. This resolution was nem. con. and the speaker, Mr. Broderick, then his majesty's solicitor general, and afterwards lord chancellor, in his speech at the end of the session §, informs the lord lieutenant, that the representation of the commons was, as to the matters contained in it, the unanimous voice and consent of a very full house, and that the soft and gentle terms used by the commons in laying the distressed condition of the kingdom before his majesty, shewed that their complaints proceeded not from querulousness but from a necessity of seeking redress; he adds, "it is to be hoped they may be allowed such a portion of trade, that they may recover from the great poverty they now lie under;" and in presenting the bill of supply says, the commons have granted it "in time of extreme poverty." The impoverished state of Ireland, at that time, appears in the speech from the throne at the conclusion of the session, in which it is mentioned that the commons could not then provide for what was owing to the civil and military lists**.

The supply given for two years, commenced at Michaelmas 1703 ††, was a sum not exceeding 150,000*l.* which, considering that no parliament was held in Ireland since the year 1698, is at the rate of 30,000*l.* yearly, commencing in 1699, and ending in the year 1705.

* Com. Jour. 3 Vol. 45.

§ Ib. 207, 208.

† Com. Jour. 3 Vol. p. 149.

** Ib. p. 210.

‡ Ir. Com. Jour. 3 Vol. p. 195.

†† Ib. 79, 94.

The great distress of Ireland, from the year 1699, to the year 1703, and the cause of that distress, cannot be doubted.

Let it now be considered, whether the same cause has operated since the year 1703. In the year 1704* it appears, that the commons were not able, from the circumstances of the nation at that time, to make provision for repairing the necessary fortifications; or for arms and ammunition for the public safety: and the difficulties which the kingdom then laboured under, and the decay of trade, appear by the addresses of the commons† to the queen, and to the duke of Ormond, then lord lieutenant, who was well acquainted with the state of this country; by the queen's answer‡, and the address of thanks for it.

In the year 1707§, the revenue was deficient for payment of the army, and defraying the charges of government; and the commons promised to supply the deficiency "as far as" the present circumstances of the nation will allow."

In 1709, it appears** by the unanimous address of the commons to the lord lieutenant, that the kingdom was in an impoverished and exhausted state: in 1711 ††, in their address to the lord lieutenant, at the close of the session, they request, that he should present to her majesty, that they had given all the supplies which her majesty desired, and which they, in their present condition, were able to grant ††: and yet these supplies amounted, for two years, to a sum not exceeding 167,023l. 8s. 5d §§; though powder magazines, the council chamber, the treasury office, and other offices were then to be built.

This last period, from the year 1699 to the death of queen Anne, is marked with the strongest circumstances of national distress and despondency.

That the woollen manufactures were the great source of industry in Ireland, appears from the Irish statute of the 17th and 18th of Charles II. ch. 15***; from the resolutions of the commons in 1695 †††, for regulating those manufactures; the resolutions of the committee of supply in that session †††;

* Com. Jour. 3 Vol. p. 298.

† Ib. 225, 266.

‡ Ib. 253, 258.

§ Ib. 364, 368, 369.

** Ib. 3 Vol. p. 573.

†† Ib. 827.

‡‡ Ib. 929.

§§ Ib. 876.

*** In the same session an act was made for the advancement of the linen manufacture, which shews that both kingdoms then thought (for these laws came to us through England) that each of these manufactures was to be encouraged in Ireland.

††† Ir. Com. Jour. 2 Vol. p. 725.

‡‡‡ Ib. 733.

and from the preamble to the English statute of the 10th and 11th of William III. ch. 10, in which it is recited, that great quantities of those manufactures were made, and were daily increasing in Ireland, and were exported from thence to foreign markets.

Of the exportation of all those manufactures the Irish were at once totally deprived: the linen manufacture, proposed as a substitute, must have required the attention of many years before it could be thoroughly established. What must have been the consequences to Ireland in the mean time, the journals of the commons in queen Anne's reign have informed us. Compare this period with the three former, and you will prove this melancholy truth; that a country will sooner recover from the miseries and devastation occasioned by war, invasion, rebellion, massacre, than from laws restraining the commerce, discouraging the manufactures, fettering the industry, and above all, breaking the spirits of the people.

T H I R D L E T T E R.

TO an inquirer after truth, history since the year 1699 furnishes very imperfect, and often partial views of the affairs of Great Britain and Ireland. The journals of parliament evince the poverty of Ireland for the first fourteen years of this century. That this poverty continued in the year 1716, appears by the unanimous address of the house of commons to George the first*. A small debt of 16,106*l.* 11*s.* 0½*d.* †, due at Michaelmas 1715, was, by their exertions to strengthen the hands of government in that year, increased at midsummer 1717, to a sum of 91,537*l.* 17*s.* 1*d.* ‡, which was considered as such an augmentation of the national debt, that the lord lieutenant, the duke of Bolton, thought it necessary to take notice in his speech from the throne, that the debt was considerably augmented, and to declare at the same time that his majesty had ordered reductions in the military, and had thought proper to lessen the civil list.

In 1721, the speech from the throne§, and the addresses to the king and to the lord lieutenant, state, in the strongest

* Com. Jour. 4 Vol. p. 249,

† Ib. 335.

‡ Ib. 296.

§ Ib. 694, 700, 701.

terms, the great decay of her trade, and the very low and impoverished state to which she was reduced.

It is a melancholy proof of the desponding state of this kingdom, that no law whatever was then proposed for encouraging trade or manufactures, unless that for amending the laws as to butter and tallow casks deserves to be so called. The remedy proposed by government, and partly executed, by directing a commission under the great seal for receiving voluntary subscriptions *, in order to establish a bank, was a scheme to circulate paper without money; and considering that it came so soon after the south sea bubble had burst, it is more surprising that it should have been at first applauded †, than that it was in the same session disliked, censured and abandoned ‡. The total inefficacy of the remedy proved however the inveteracy of the disease, and furnishes a farther proof of the desperate situation of Ireland, when nothing could be thought of for its relief, but that paper should circulate without money, trade or manufactures.

In the following session of 1727, our manufacturers, and the lowest classes of our people, were greatly distressed; the duke of Grafton, in his speech from the throne, particularly recommends to their consideration the finding out of some method for the better employing of the poor §; and though the debt of the nation was no more than 66,318l. 8s. 3½d. || and was less than in the last session; yet the commons thought it necessary to present an address to the king, to give such directions as he, in his great goodness should think proper, to prevent the increase of the debt of the nation. This address was presented ** by the house, with its speaker, and passed nem. con. and was occasioned by the distressed state of the country, and by their apprehensions that it might be further exhausted by the project of Woods's half-pence.

But notwithstanding the success of the linen manufacture, Ireland was in a most miserable condition. The great scarcity of corn had been so universal in this kingdom in the years 1728 and 1729, as to expose thousands of families to the utmost necessities, and even to the danger of famine; many artificers and house-keepers having been obliged to beg for bread in the streets of Dublin. It appeared before the house of commons, that the import of corn for one year and six months, ending the 29th day of September, 1729, amounted

* Ir. Com. Jour. 4 Vol. p. 694.

† Ib. 832.

** Ib. 108.

‡ Ib. 720.

§ Ib. 5 vol. p. 12.

|| Ib. 102.

in value to the sum of 274,000*l.* an amazing sum compared with the circumstances of the kingdom at that time! and the commons resolve that public granaries would greatly contribute to the increasing of tillage, and providing against such wants as have frequently befallen the people of this kingdom, and hereafter may befall them, unless proper precautions shall be taken against so great a calamity.

The great scarcity which happened in the years 28 and 29, and frequently before and since, is a decisive proof that the distresses of this kingdom have been occasioned by the discouragement of manufactures.

In the year 1731 there was a great deficiency in the public revenue, and the national debt had considerably increased. The exhausted kingdom lay under great difficulties by the decay of trade, the scarcity of money, and the universal poverty of the country, which the speaker represents * in very affecting terms, in offering the money-bills for the royal assent, and adds, "that the commons hope from his majesty's goodness, and his grace's free and impartial representation of the state and condition of this kingdom, that they may enjoy a share of the blessings of public tranquillity, by the increase of their trade, and the encouragement of their manufactures."

But in the next session, of 1733, they are told in the speech from the throne what this share was to be. The lord lieutenant informs them, that the peace cannot fail of contributing to their welfare, by enabling them to improve those branches of trade and manufactures † which are properly their own, meaning the trade and manufacture of linen. Whether this idea of property has been preserved inviolate, will hereafter appear.

The years 40 and 41 were seasons of great scarcity, and in consequence of the want of wholesome provisions, great numbers of our people perished miserably; and the speech from the throne recommends it to both houses, to consider of proper measures to prevent the like calamity for the future. The employment of the poor and the encouragement of tillage, are the remedies proposed by the lord lieutenant, and approved of by the commons; but no laws for those purposes were introduced.

* Ir. Com. Jour. 6 Vol. p. 143.

† Ib. 189.

For above forty years after making those restrictive laws * Ireland was always poor, and often in great want, distress and misery †, tho' the linen manufacture had made great progress during that time. In the war before the last, she was not able to give any assistance. The duke of Devonshire, in the year 1741, takes notice from the throne, that during a war for the protection of the trade of all his majesty's dominions, there had been no increase of the charge of the establishment; and in the year 1745 the country was so little able to bear expence, that lord Chesterfield discouraged and prevented any augmentation of the army, tho' much desired by many gentlemen of the house of commons, from a sense of the great danger that then impended. An influx of money after the peace, and the further success of the linen trade, increased our wealth, and enabled us to reduce by degrees, and afterwards to discharge the national debt. This was not effected until the first of March 1754. This debt was occasioned principally by the expences incurred by the rebellion in Great Britain in the year 1715; an unlimited vote of credit was then given ‡. From the lowness of the revenue, and the want of resources, not from any further exertions on the part of the kingdom in point of expence, the debt of 16,106l. 11s. 0½d. due in 1715, was increased at Lady Day, 1733, to 371,312l. 12s. 2½d.

After the payment of this debt, the wealth and ability of Ireland were greatly over-rated, both here and in Great Britain.

A large redundancy of money in the treasury, gave a delusive appearance of national wealth. At Lady Day, 1755, the sum credited to the nation was 471,404l. 5s. 6½d. and the money remaining in the treasury of the ordinary unappropriated revenue on the 29th day of September, 1755, 457,959l. 12s. 7½d. But this great increase of revenue arose from an increase of imports, particularly in the year 1754, by which the kingdom was greatly overstocked, and which raised the revenue in that year 208,309l. 19s. 2d. higher than it was in the year 1748, when the revenue first began to rise considerably ||; and though what a nation spends is one method of estimating its wealth; yet, a nation, like an

* The act intitled an act for better regulation of partnerships, and to encourage the trade and manufactures of this kingdom, has not a word relative to the latter part of the title.

† Com. Jour. 6 Vol. 694; 7 Vol. 742. ‡ 1b. 4 Vol. p. 195.

§ 9 Vol. p. 35.

|| 1b. 10 Vol. p. 751.

individual,

individual, may live beyond its means, and spend on credit which may far exceed its income. This was the fact as to Ireland in the year 1754, for some years before and for many years after; it appeared in an enquiry before the house of commons in the session of 1755, that many persons had circulated paper to a very great amount, far exceeding not only their own capitals*, but that just proportion which the quantity of paper ought to bear to the national specie. This gave credit to many individuals, who without property became merchant importers, and at the same time increased the receipts of the treasury and lessened the wealth of the kingdom. At the very time that so great a balance was in the treasury, public credit was in a very low way, and the house of commons was employed in preparing a law to restore it. In 54 and 55 three principal banks† had failed, and the legislature took up much time in enquiring into their affairs, and in framing laws for the relief of their creditors.

LETTER IV.

THE revenue, for the reasons already given, decreased in 1755, fell lower in 1756, and still lower in 57. In the last year the vaunted prosperity of Ireland was changed into misery and distress; the lower classes of our people wanted food‡; the money arising from the extravagance of the rich was freely applied to alleviate the sufferings of the poor. One of the first steps of the late duke of Bedford's administration, and which reflects honour on his memory, was obtaining a king's letter, dated 31st March, 1757, for 20,000*l*. to be laid out as his grace should think the most likely to afford the most speedy and effectual relief to his majesty's poor subjects of this kingdom. His grace, in his speech from the throne, humanely expresses his wish, that some method might be found out to prevent the calamities that are the consequences of a want of corn, which had been in part felt the last year, and to which this country had been too often exposed; the commons acknowledge that those calamities had

* Com. Jour. 9 Vol. p. 818.

† March 6, 1754, Thomas Dillon, and Richard Ferral, failed. 3d March, 1755, William Lennox and George French. Same day John Wilcocks and John Dawson.

‡ Com. Jour. 10 Vol. p. 16. Speech from the throne, and *ib.* 25, address from the house of commons to the king.

been frequently, and were too sensibly and fatally experienced in the course of the last year; thank his grace for his early and charitable attention to the necessities of the poor of this country in their late distresses, and make use of those remarkable expressions, "that they will most chearfully embrace * every *practicable* method to promote tillage †." They knew that the encouragement of manufactures were the effectual means, and that these means were not in their power.

The ability of the nation was estimated by the money in the treasury, and the pensions on the civil establishment, exclusive of French, which at Lady-day, 1755, were 38,003l. 15s. od. amounted at Lady-day, 57, to 49,293l. 15s. od ‡.

The same ideas were entertained of the resources of this country in the session of 1759. Great Britain had made extraordinary efforts, and engaged in enormous expences for the protection of the whole empire. This country was in immediate danger of an invasion. Every Irishman was agreed that she should assist Great Britain to the utmost of her ability, but this ability was too highly estimated. The nation abounded rather in loyalty than in wealth §. Our brethren in Great Britain had, however, formed a different opinion, and surveying their own strength, were imcompleat judges of our weakness. A lord lieutenant of too much virtue and magnanimity to speak what he did not think, takes notice from the throne, "of the prosperous state of this country, "improving daily in its manufactures and commerce ¶." His grace had done much to bring it to that state, by obtaining for us some of the best laws ** in our books of statutes. But this part of the speech was not taken notice of, either in the address to his majesty, or to his grace, from a house of commons well-disposed to give every mark of duty and respect, and to pay every compliment consisting with truth. The event proved the wisdom of their reserve. The public expences were greatly increased, the pensions on the civil establishment, exclusive of French, at Lady-day, 1759, amounted

* Com. Jour. 10 Vol. 25.

† They brought in a law for the encouragement of tillage, which was ineffectual (see post 42) but the preamble of that act is a legislative proof of the unhappy condition of the poor of this country before that time. The preamble recites, "the extreme necessity to which the poor of this kingdom had been too frequently reduced for want of provisions."

‡ Com. Jour. 10 Vol. 285.

§ 11 Vol. 472, Speaker's speech. ¶ Ib. 16.

** The acts passed in 58, giving bounties on the land-carriage of corn, and on coals brought to Dublin.

to 55,497l. 5s. od.* there was at the same time a great augmentation of military expence †. Six new regiments and a troop were raised in a very short space of time. An unanimous and unlimited address of confidence to his grace ‡, a specific vote of credit for 150,000l. §, which was afterwards provided for in the loan-bill ¶ of that session; a second vote of credit in the same session for 300,000l. **, the raising the rate of interest paid by government, one per cent. and the payment out of the treasury †† in little more than one year, of 703,957l. 3s. 1½d. ‡‡ were the consequences of those encreased expences. The effects of these exertions were immediately and severely felt by the kingdom. These loans could not be supplied by a poor country, without draining the bankers of their cash; three of the principal houses §§ among them stopped payment; the three remaining banks in Dublin discounted no paper, and in fact, did no business. Public and private credit, that had been drooping since the year 1754, had now fallen prostrate. At a general meeting of the merchants of Dublin, in April 1760, with several members of the house of commons, the inability of the former to carry on business was universally acknowledged, not from the want of capital, but from the stoppage of all paper circulation, and the refusal of the remaining bankers to discount the bills even of the first houses. The merchants and traders of Dublin, in their petition ||| to the house of commons, represent “ the low state to which
 “ public and private credit had been of late reduced in this
 “ kingdom, and particularly in this city, of which the suc-
 “ cessive failures of so many banks, and of private traders in
 “ different parts of this kingdom, in so short a time as since
 “ October last, were incontestable proofs. The petitioners,
 “ sensible that the necessary consequences of these misfortunes
 “ must be the loss of foreign trade, the diminution of his ma-
 “ jesty’s revenue, and what is still more fatal, the decay of
 “ the manufactures of this kingdom, have in vain repeatedly
 “ attempted to support the sinking credit of the nation by as-
 “ sociations and otherwise; and are satisfied that no resource
 “ is now left but what may be expected from the wisdom of
 “ parliament, to avert the calamities with which this king-
 “ dom is at present threatened.”

* Com. Jour. 11 Vol. p. 212. † Ib. from 826, to 837.

‡ Ib. p. 141. § Ib. 408. ¶ Ib. 473.

** Ib. 862. †† Ib. ‡‡ Ib. 982, from 25th of March 59, to 21st of April 60, exclusive.

§§ Clements’s, Dawson’s, and Mitchell’s.

||| Com. Jour. 11 Vol. 966. April 15. 1760.

The committee, to whom it was referred, resolve* that they had proved the several matters alledged in their petition; that the quantity of paper circulating was not near sufficient for supporting the trade and manufactures of this kingdom; and that the house should engage, to the first of May 62, for each of the then subsisting banks in Dublin, to the amount of 50,000*l.* for each bank; and that an address should be presented to the lord lieutenant, to thank his grace for having given directions, that bankers notes should be received as cash from the several subscribers to the loan; and that he would be pleased to give directions, that their notes should be taken as cash in all payments at the treasury, and by the several collectors for the city and county of Dublin. The house agreed to those resolutions, and to that for giving credit to the banks, *nem. con.*

The speech from the throne takes notice of the care the house of commons had taken for establishing public credit, which the lord lieutenant says, he flatters himself will answer the end proposed, and effect that circulation so necessary for carrying on the commerce of the country†.

The great law which we owe to his interposition (I speak of that which gives a bounty on the land carriage of corn and flour to Dublin‡) has saved this country from utter destruction; this law, which reflects the highest honour on the author and promoter, is still a proof of the poverty of that country where such a law is necessary. Its true principle is to bring the market of Dublin to the door of the farmer, and that was done in the year, ending the 25th of March, 1777, at the expence of 6,789*l.* 18*s.* 6*d.* to the public; a large, but a most useful and necessary expenditure§.

In the beginning of the next parliament, the rupture with Spain occasioned a new augmentation of military expence. The ever loyal commons return an address of thanks to the message mentioning the addition of five new battalions||, and unanimously promise to provide for them; and with the same unanimity pass a vote of credit for 200,000*l.*** . The amount of pensions on the civil establishment, exclusive of French, had for one year, ending the 25th of March, 1761, amounted to 64,127*l.* 5*s.* †† and our manufacturers were then

* Com. Jour. 11 Vol. p. 993, 994. † Ib. 1049.

‡ Brought in by Mr. Pery, the present Speaker.

§ In the year ending lady-day, 1778, it amounted to 71,533*l.* 1*s.* and in that ending lady-day, 1779, to 67,864*l.* 8*s.* 10*d.*

|| Com. Jour. 12 Vol. p. 700. ** Ib. 728. †† Ib. 443.

distressed by the expence and havock of a burthenfome war*.

The state of pensions remained nearly the same†; by the peace the military expences were considerably reduced; of the military establishment to be provided for in the session 1763, compared with the military establishment as it stood on the 31st of March, 1763, the net decrease was 119,037l. os. 10d. per annum; but as a peace establishment it was high, and compared with that of the 31st of March, 1756‡ being the year preceding the last war, the annual increase was 110,422l. 9s. 5d. the debt of the nation at Lady-day 1763, and which was entirely incurred in the last war, was 521,161l. 16s 6d §. and would have been much greater, if the several lord lieutenants had not used with great œconomy the power of borrowing, which the house of commons had from session to session given them.

The same mistaken estimate of the ability of Ireland, that occasioned our being called upon to bear part of the British burthen during the war, produced similar effects at the time of the peace, and after it. The heavy peace establishment was increased by an augmentation of our army in 1769, which induced an additional charge, taking in the expences of exchange and remittance, of 54,118l. 12s. 6d. yearly, for the first year; but this charge was afterwards considerably increased, and amounted from the year 1769, to Christmas 1778, when it was discontinued, to the sum of 620,824l. os. 9d. and this increased expence was more felt, because it was for the purpose of paying forces out of this kingdom.

As our expences increased our income diminished; the revenue for the two years, ending the 25th of March, 1771 ||, was far short of former years, and not nearly sufficient to pay the charges of government, and the sums payable for bounties and public works**. The debt of the nation at lady-day, 1771, was increased to 782,320l. os. 0d ††. The want of income was endeavouring to be supplied by a loan. In the money-bill of the October session, 1771, there was a clause empowering government to borrow 200,000l. Immediately

* Com. Jour. 929, Speech of Lord Hallifax from the throne, 30th of April, 1762.

† For a year ending 25th March, 1763, they were 66,477l. 5s.; they afterwards rose to 89,095l. 17s. 6d. in September 1777 at the highest; and in this year, ending the 25th of March last, amounted to 85,971l. 2s. 6d.

‡ Com. Jour. 13 Vol. p. 576. § Ib. 574. 621.

|| Ib. 14 Vol. 715. ** Ib. 15 Vol. 710. †† Ib. 153.

after the linen trade declined rapidly; in 1772, 1773, and 1774, the decay in that trade was general in every part of the kingdom where it was established; the quantity manufactured was not above two-thirds of what used formerly to be made, and the quality did not sell for above three-fourths of its former price; the linen and linen yarn exported for one year, ending the 25th of March, 1773*, fell short of the exports of one year, ending the 25th of March 1771, to the amount in value of 788,821*l.* 1*s.* 3*d.* At lady-day, 1773†, the debt increased to 994,890*l.* 10*s.* 10*d.* 1-8th. The attempt in the session of 1773‡, to equalize the annual income and expences failed, and borrowing on tontine in the sessions of 1773, 1775 and 1777, added greatly to the annual expence, and to the sums of money remitted out of the kingdom. The debt now bearing interest amounts to the sum of 1,017,600*l.* besides a sum of 740,000*l.* raised on annuities, which amount to 48,900*l.* yearly, with some incidental expences. The great increase of those national burdens, likely to take place in the approaching session, has been already mentioned.

The debt of Ireland has arisen from the following causes: the expences of the late war, the heavy peace establishment in the year 1763, the increase of that establishment in the year 1769, the sums paid from 1759 to forces out of the kingdom, the great increase of pensions and other additional charges on the civil establishment, which however considerable, bears but a small proportion to the increased military expences, the falling of the revenue, and the sums paid for bounties and public works; these are mentioned last, because it is apprehended that they have not operated to increase this debt in so great a degree as some persons have imagined; for though the amount is large, yet no part of the money was sent out of the kingdom, and several of the grants were for useful purposes, some of which made returns to the public and to the treasury exceeding the amount of those grants.

When those facts are considered, no doubt can be entertained but that the supposed wealth of Ireland has led to real poverty; and when it is known, that from the year 1751 to Christmas 1778, the sums remitted by Ireland to pay troops serving abroad, amounted to the sum of 1,401,925*l.* 19*s.* 4*d.* it will be equally clear from whence this poverty has principally arisen.

* Com. Jour. 16 Vol. p. 372. † Ib. p. 190. 191, 193. ‡ Ib. 256.

In 1762, lord Hallifax, in his speech from the throne*, acknowledges that our manufactures were distressed by the war. In 1763, the corporation of weavers, by a petition to the house of commons, complain that, notwithstanding the great increase both in number and wealth of the inhabitants of the metropolis, they found a very great decay of several very valuable branches of trade and manufactures † of this city, particularly in the silken and woollen.

In 1765, there was so great a scarcity of potatoes, spring corn, &c. that it was thought necessary to appoint a committee‡ to inquire what may be the best method to reduce it; and to prevent a great dearth, two acts passed early in that session, to stop the distillery, and to prevent the exportation of corn, for a limited time.

In 1778 and 1779 there was great plenty of corn, but the manufacturers were not able to buy, and many thousands of them were supported by charity; the consequence was that corn fell to so low a price that the farmers in many places were unable to pay their rents, and every where were under great difficulties.

F I F T H L E T T E R.

FOR several years the exportation of live cattle to England was the principal trade of Ireland. This was thought most erroneously ||, as has since been acknowledged**, to lower the rents of lands in England. From this; and perhaps from some less worthy motive †† a law passed in England ‡‡, to restrain and afterwards to prohibit the exportation of cattle from Ireland. The Irish, deprived of their principal trade, and reduced to the utmost distress by this prohibition, had no

* Com. Jour. 12 Vol. p. 928.

† Ib. 13 Vol. p. 987.

‡ Ib. 14. Vol. p. 69, 14, 151.

§ Carte, 2 Vol. 318, 19.

|| Sir W. Petty's Political Survey, 69, 70. Sir W. Temple, 3 Vol. 22, 23.

** By several British acts (32 G. 2, ch. 11. 5 G. 3, ch. 10, 12. G. 3, ch. 56.) allowing from time to time the free importation of all sorts of cattle from Ireland.

†† Personal prejudice against the duke of Ormond. (2 Carte, 332, 337.

‡‡ 15 Ch. 2, ch. 7. 18 Ch. 2, ch. 2.

resource but to work up their own commodities, to which they applied themselves with great ardor *. After this prohibition they increased their number of sheep, and at the revolution were possessed of very numerous flocks. They had good reasons to think that this object of industry was not only left open, but recommended to them. The ineffectual attempt by lord Strafford in 1639, to prevent the making of broad cloaths in Ireland †, the relinquishment of that scheme by never afterwards receiving it, the encouragement given to their woollen manufactures by many English acts of parliament from the reign of Edward the 3d, ‡ to the 12th of Ch. 2d, and several of them for the express purpose of exportation; the letter of Charles the 2d, in 1667, with the advice of his privy council in England, and the proclamation in pursuance of that letter, encouraging the exportation of their manufactures to foreign countries; by the Irish statutes of the 13th Hen. 8, ch. 2, 28th Hen. 8, ch. 17, of the 11th Elizabeth, Ch. 10, and 17 and 18 Ch. 2, ch. 15, (all of which, the act of 28 Henry 8th excepted, received the approbation of the privy council of England, having been returned under the great seal of that kingdom) afforded as strong grounds of assurance as any country could possess for the continuance of any trade or manufacture.

An act, in its title, professes the encouraging the importation of wool from Ireland.

By a report from the commissioners of trade in that kingdom, dated on the 23d December 97, and laid before the house of commons, in 1698, they find that the woollen manufacture in Ireland had increased since the year 1665, as follows:

Years.	New draperies. Pieces.	Old draperies. Pieces.	Frize. Yards.
1665	224	32	444,381
1687	11,360	103	1,129,716
1696	4,413	34½	104,167

The bill for restraining the exportation of woollen manufactures from Ireland, was brought into the English house of commons on the 23d of Feb. 97, but the law did not pass until the year 1699, in the first session of the new parliament. I have not been able to obtain an account of the exportation

* 2 Carte, 332.

† Com. Jour. 1 Vol. p. 208, by a clause to be inserted in an Irish act.

‡ See post, those acts stated.

of woollen manufactures for the year 1697*, but from the 25th of December 1697, to the 25th of December 1698, being the first year in which the exports in books extant, are registered in the custom-house at Dublin, the amount appears to be of

New drapery.	Old drapery.	Frize.
Pieces.	Pieces.	Yds.
23,285½	281h	666,901

Though this encrease of export shews that the trade was advancing in Ireland, yet the total amount, or the comparative increase since 1687 could scarcely "sink the value of lands, and tend to the ruin of the trade and woollen manufactures of England †.

King William in his answer, says, "his majesty will take care to do what their lordships have desired;" and the lords direct, that the lord chancellor should order that the address and answer be forthwith printed and published ‡.

Of what Ireland gains it is computed that one-third centers in Great Britain §. Of our woollen manufacture the greatest part of the profit would go directly there. But the manufacturers of Ireland would be employed.

Mr. Dobbs, who wrote in 1729||, affirms, that by this law of 1699, our woollen manufacturers were forced away into France, Germany and Spain; that they had in many branches so much improved the woollen manufacture of France, as not only to supply themselves, but to vie with the English in foreign markets, and that by their correspondence, they had laid the foundation of the running of wool thither both from England and Ireland. He says that those nations were then so improved, as in a great measure to supply themselves with

* In a pamphlet cited by Dr. Smith, (v. 2, p. 244) in his memoirs of wool, it is said that the total value of those manufactures exported in 1697, was 23,614l. 9s. 6d. namely, in frizes and stockings 14,625l. 12s; in old and new draperies 8,988l. 17s. 6d. and that though the Irish had been every year increasing, yet they had not recovered above one-third of the woollen trade which they had before the war (ib. 243). The value in 1687, according to the same authority, was 70,521l. 14s. of which the frizes were 56,481l. 16s. Stockings 2,520l. 18s. and old and new drapery (which it is there said could alone interfere with the English trade) 11,514l. 10s.

† Preamble of English act of 1699.

‡ Lords Jour. page 315.

§ Sir M. Decker's decline of foreign trade, p. 155, and Anderson on commerce, 2 vol. p. 149.

|| Essay on the trade of Ireland. p. 6, 7.

many sorts they formerly had from England, and since that time have deprived Britain of millions, instead of the thousands that Ireland might have made.

It is now acknowledged that the French undersel the English; and as far as they are supplied with Irish wool, the loss to the British empire is double what it would be, if the Irish exported their goods manufactured. This is mentioned by Sir Matthew Decker*, as the cause of the decline of the English, and the increase of the French woollen manufactures; and he asserts that the Irish can recover that trade out of their hands. England, since the passing this law, has got much less of our wool than before†. In 1698, the export of our wool to England amounted to 377,520 stone; at a medium of eight years, to lady-day 1728, it was only 227,049 stone, which is 148,000 stone less than in 1698, and was a loss of more than half a million yearly to England. In the last ten years the quantity exported has been so greatly reduced, that in one of these years‡ it amounted only to 1007ft. 11lb. and in the last year did not exceed 1665ft. 12lb.‡. The price of wool, under an absolute prohibition, is 5ol. or 6cl. per cent. under the market price of Europe, which will always defeat the prohibition§.

The impracticability of preventing the pernicious practice of running wool is now well understood. Of the thirty-two counties in Ireland, nineteen are maritime, and the rest are washed by a number of fine rivers that empty themselves into the sea. Can such an extent of ocean, such a range of coasts, such a multitude of harbours, bays and creeks be effectually guarded?

The prohibition of the export of live cattle forced the Irish into the re-establishment of their woollen manufacture; and the restraint of the woollen manufacture was a strong temptation to the running of wool. The severest penalties were enacted, the British legislature, the government and house of commons of Ireland, exerted all possible efforts to remove this growing evil, but in vain, until the law was made in Great Britain** in 1739, to take off the duties from

* Decline of foreign trade, p. 55, 56, 155. † Dobbs, p. 76.

‡ In 1774.

§ Nor was this deficiency made up by the exportation of yarn. The quantities of these several articles exported from 1764 to 1778, are mentioned in the appendix, Numb.

|| Smith's Memoirs of Wool, 2 Vol. p. 554. The only way to prevent it, is to enable us to work it up at home. Ib. 293.

** This was done for the benefit of the woollen manufacture in England. Eng. Com. Jour. 22 Vol. p. 442.

woollen or bay yarn exported from Ireland, excepting worsted yarn of two or more threads, which has certainly given a considerable check to the running of wool, and has shewn that the policy of opening is far more efficacious than that of restraining. The world is become a great commercial society, exclude trade from one channel, and it seldom fails to find another.

To shew the absolute necessity of Great Britain's opening to Ireland some new means of acquiring, let the annual balance of exports and imports, returned from the entries in the different custom-houses, in favour of Ireland, on all her trade with the whole world, in every year from 1768 to 1778, be compared with the remittances made from Ireland to England in each of those years, it will evidently appear that those remittances could not be made out of that balance. The entries of exports made at custom-houses are well known to exceed the real amount of those exports in all countries, and this excess is greater in times of diffidence, when merchants wish to acquire credit by giving themselves the appearance of being great traders.

This balance in favour of Ireland on her general trade, appears by those returns to have been in 1776, 606,190l. 11s. 6d. in 1777, 24,203l. 3s. 10d. in 1778, 386,384l. 5s. 7d. and taken at a medium of eleven years, from 1768 to 1778, both inclusive, it amounts to the sum of 605,083l. 7s. 5d. The sums remitted from Ireland to Great-Britain for rents, interests of money, pensions, salaries, and profits of offices, amounted, at the lowest computation, from 1768 to 1773, to 100,000l. yearly*; and from 1773, when the tontines were introduced, from which period large sums were borrowed from England, those remittances were considerably increased, and are now not less than between 12 and 13,000l. yearly. Ireland then pays to Great-Britain double the sum that she collects from the whole world in all the trade which Great Britain allows her. It will be difficult to find a similar instance in the history of mankind.

What was the information given by the trading towns in 1697 and 1698, on the subject of the woollen manufacture of Ireland? several of their† petitions state that the woollen manufacture was *set up* in Ireland, as if it had been lately intro-

* This is stated considerably under the computation made in the list of absentees, published in Dublin in 1769, which makes the amount at that time 1,208,982l. 14s. 6d.

† Eng. Com. Jour. 12 Vol. 64, 68.

duced there; and one of them goes so far as to represent the time and manner of introducing it. “ Many of the poor of that kingdom (says this extraordinary petition) during the late rebellion there, fled into the West of England, where they were put to work in the woollen manufacture to learn that trade, and since the reduction of Ireland, endeavours were used to set up those manufacturers there.”

Would any man suppose that this could relate to a manufacture, in which this kingdom excelled before the time of Edward the 3d, which had been the subject of so many laws in both kingdoms, and which was always cultivated here, and before this rebellion with more success than after it? the trading towns gave accounts totally inconsistent of the state of this manufacture at that time in England: from Exeter it is represented as greatly decayed and discouraged * in those parts, and diminished in England. But a petition from Leeds represents this manufacture as having very much increased † since the revolution in all its several branches, to the general interest of England; and yet, in two days after the clothiers from three towns in Gloucestershire assert, that the trade has decayed, and that the poor are almost starved ‡. The commissioners of trade differ in opinion from them, and by their report, it appears that the woollen manufacture was then very much increased and improved §. The traders have sometimes mistaken their own interests on those subjects; in 1698, a petition for prohibiting the importation from Ireland of all worsted and woollen yarn, represents that the poor of England are ready to perish by this importation ||; and in 1739, several petitions were preferred against taking off the duties ** from worsted and bay yarn exported from Ireland to England. But this has been done in the manner before-mentioned, and is now acknowledged to be highly useful to England. Trading people have ever aimed at exclusive privileges; of this there are two extraordinary instances; in the year 1698, two petitions were preferred, from Folkestone and Aldborough, stating a singular grievance that they suffered from Ireland, “ by the Irish catching herrings at Waterford and Wexford ††, “ and sending them to the Streights, and thereby forestalling “ and ruining petitioners markets;” but these petitioners had the hard lot of having motions in their favour rejected.

* English Com. Jour. Vol. 12, p. 7.

† Ib. 527.

‡ Ib. 530.

§ Ib. 434.

|| Ib. 387.

** Ib, vol. 22.

†† Ib. 178.

It is hoped, many of the excellent observations contained in the remainder of these letters, will not appear improperly applied to the support of a few remarks suggested from a review of the foregoing pages.

In the mean time I shall lay the following letter before my readers, as no unpleasing picture to an Irishman of the consequence of his country.

LETTER II. of the justly esteemed OWEN ROE O'NIAL
To the Men of Ireland.

SUÆ quisque faber fortunæ est, is one of those truths which the experience of ages has handed down as a proverb.

What is true of every individual must be so of nations—
“ Their fortune must depend upon *themselves*.”

It is a truth well worthy the deep consideration of Ireland—I have, in my former letter, endeavoured to convince her by reasoning, and an appeal to historical facts, of what she should long ere this have learned from experience; that whatever justice or generosity exists among individuals, it is vain to look for it in the mutual intercourse of nations. Their principle is policy.

It is time for Ireland to take thought for herself.

That Ireland hath been, and is, subordinate to, and dependent on the imperial crown of Great Britain, and that the King's Majesty, with the consent of the Lords and Commons of Great Britain in Parliament, hath power to make laws to bind the people of Ireland*, is a truth too melancholy to admit contradiction. That it of right “ought” to be so, was reserved for the modesty and good sense of an English parliament to assert, and would therefore be a *blunder* in Irishmen to deny.

That no nation can by conquest, or by any other means, acquire a right of perpetual dominion over another; that no consent or contract, however express or solemn, can bind posterity to their injury; that no prescription or length of time can sanctify oppression; that little deference is due to names imposed by the oppressors upon the act of assuming rights unalienable in their nature, and only overborne by force, or overlooked by folly; these are propositions which I shall not attempt to enlarge upon. Time, with most minds, gives a sacredness to error: enquiry then bears the name of impiety: but the idols of one age are trampled under foot in another, and the prejudices which once required a Locke to remove, are in these days but themes to the schools.

* 5 Geo. I. c. 5.

I shall not then war with the dead; nor shall I offend the delicacy of an English Judge, by doubting the propriety, or disputing the omnipotence of an English act of parliament. That would be "to oppose my private Irish judgment to public English authority *." And, in so plain a case, the opposition "must be virulent and factious †." Authority must be ever in the right! The demand of Magna Charta was but a successful rebellion; the reformation was an impious defection from the church; and the author of Christianity was an heretic and a traitor! Ireland then, by right, ought to be, nay more, for ever must be, subordinate to the sovereign legislative parliament of Great Britain. I acknowledge it! my reason is a strong one; she thinks so herself; and who dare deny the competency of her judgment? She thinks herself formed by nature an humble attendant upon England. She crouches under what she calls necessity. Her loyalty dares not form a wish for the preservation of her crown in the house of Hanover, united with the separate independency of her own legislature: because she looks upon that wish as hopeless. The very thought to her seems madness! the attempt, she apprehends, would be ruin!

I owe a deference to the general opinion, and shall submit to it; yet, as all sound judgment on this question can only be built upon experience, it seems not unreasonable to enquire, were it but as matter of speculation, into the fate of other countries, which having been nearly in the same situation with Ireland, endeavoured to mend their condition. One advantage will certainly result from the enquiry, which cannot fail of proving acceptable to a people, who have hitherto appeared more delighted with their fears, than with any other feelings of the human heart. It will lead us, by the consideration of our superior resources, to estimate infallibly the quantum of national punishment, likely to be superadded to our present burdens, by our masters, the parliament of Great Britain, for the efforts of this day, when their leisure and security shall permit them to turn their thoughts to us. In proportion to our superior power of resisting, will the means be of preventing, in future, the possibility of the operation of such a resistance.

A late respectable writer (Guatimozin) has already enumerated the natural advantages of Ireland. It appears that

* 6 George I. ch. 5.

† See Blackstone's Comment. book 4, p. 50, Irish edition.

she possesses within herself, or immediately within her reach, almost every advantage that nature or situation can give, or that is necessary to make a nation rich, great, and happy.

A climate of the finest temperature; a soil of most extraordinary fertility; mines that encouragement might convert into sources of national industry and national superiority; seas that teem with fish; harbours numerous, safe, commodious, and well situated for commerce; and, to conclude, a people with capacity for every thing, and who want but leave to acquire habits of industry, as persevering as spirited.

These are the natural advantages of Ireland. How few nations can boast so many and so great? Compare her rank and consequence in the world, with what these advantages might entitle her to. Enquire then, whence arises the difference, and thank England, if you can, for the generosity of her protection!

Are either the United Provinces, or Switzerland, to be compared to Ireland in natural advantages? I cannot think they are. The former is but one-third, the latter only one-half her size. Ireland is an island, and such an one as I have described; rich in climate, soil, mines, and harbours. Switzerland is in the heart of the Continent, and is poor in all these,—the latter she cannot possess at all. The Dutch States are joined to the Continent; their shore is dangerous from its flats; does not afford them a single good harbour; and the frost binds up their commerce during a considerable part of the winter. I need not mention the fish which the lakes of Switzerland afford. The fisheries of Holland lie upon our coast. They enjoy more from their unchecked industry, than we from nature and the protection of England. The Dutch have no mines. The Swiss don't work theirs, except for their necessary instruments of war and agriculture. Neither Holland nor Switzerland produces corn for half their inhabitants. In the latter half the harvest produced by a stubborn soil is often destroyed by storms, and but part of the remainder is allowed by the climate to ripen.

The Swiss may be said to have neither commerce nor navigation, since the latter they have only on their lakes, the former is concerned wholly in necessities.

Of the timber of the Swiss I need not speak. They can have no navy, nor do they require one. As to Holland, the spongy produce of marshes is useless in trade or navigation. Her navy must be purchased by industry. Ireland may be as industrious as Holland, but she requires it less. She may raise

raise a navy at home, if she cannot with more advantage bring marerials from abroad. The climate of Switzerland may make an hardy race of soldiers or husbandmen, but to a nation that would aim at more than a penurious existence, it cannot be a subject of envy. The climate of Holland, marshy in its soil, and intersected by so many stagnated canals, is not wholesome. Some of their towns are formed on the soil left by the stagnation of rivers. In others the solid foundations of the earth seemed to have forsaken them, and they laid new ones. The sea threatens to overwhelm them. They oppose it with mounds, which require a continual repair, and dream not of danger, though the failure of a bank would give them a second deluge.

Labour and industry are in Holland necessary. They cannot otherwise exist. This, it is true, will keep them laborious and industrious. But what they are from necessity, other nations may be from nobler motives; and Ireland sets out from a point which, in Holland, it required the labour and industry of years to gain.

Holland must be a drudge, as she subsists on the wants of other nations, and these, we know, are mostly artificial. She is their factor and carrier. She may suffer from their caprice. She must languish in their ill-humour. Their industry, or even frugality, would starve her. Ireland is more independent. She can subsist by her internal resources, though the world should refuse her either commerce or employment. She is rich in herself. Nature, that made her an island, and gave her fertility, qualified her equally for absolute independence, and unlimited intercourse with other nations. She can subsist without other nations. She can trade with them to mutual advantage.

Such are the natural advantages of Holland and Switzerland, and such are they compared with Ireland. America I shall briefly consider hereafter. Each of the former is surrounded by powerful empires. Each of them was once oppressed by all the rigours of slavery. Each of them burst her shackles, and baffled the most inveterate attacks of enemies, whose power seemed to approach them with the irresistibility of fate.

Holland, inferior to Ireland in every natural advantage, and equal to but a third of her in size, threw off the yoke of the most powerful monarch then in Europe. The firmness and courage which she displayed, will appear incredible to those who are unacquainted with the power of enthusiasm.

The

The seven provinces we are speaking of surmounted every difficulty—they thought they could defend themselves. The ten other provinces, says Voltaire, would have a foreign Prince to protect them, and are in slavery to this day.

One Prince [Henry the IVth of France] to whom they applied for assistance, was himself engaged in civil wars, and yet tottered on his throne. The extreme caution of another, [Queen Elizabeth] in foreign enterprize, corresponded but ill with her magnanimity and resolution in domestic affairs; and from the reprimands she was daily giving to the House of Commons, for presuming to judge of the duty they were called to, she seemed little likely to tempt the wrath of a powerful tyrant or turn abettor of rebellion. The succours received by the States were accordingly for a long time feeble and clandestine. To obtain open assistance from Elizabeth required a longer struggle: and even the offer of their sovereignty. But before any assistance had been received by the States, they had gotten possession of what Doctor Johnson calls “the choice of evil.” Their darling object *liberty*. The very women had formed regiments for the defence of their cities; and, rather than again fall under the hated tyranny of Spain, the dykes and sluices had been opened, and the very Peasants, says Hume, had been active in ruining their own fields by an inundation; they preferred the mercy of the waters to that of tyrants.

These same people have since withstood the most formidable attacks of a Monarch, who thought his power equal to universal empire. They have supported themselves with more than equal honour against the combined fleets of France and England. They have swept the channel of England, and their insults in the Thames have carried consternation to the capital.

In little more than half a century from the time, at which, unprepared as they must have been, they first ventured to take up arms against Spain in defence of their liberty, they beat one of her formidable Armadas*. They obliged it to take shelter in the Downs under the English flag. They retire for a reinforcement;—they resolve—that the fleet of England shall no longer protect their enemy; they return to the charge; and the Spanish navy, in its flight, received from them a blow which at this day, after near a century and an half, it has

* The Duke of Alva left the Low Countries in the year 1574. They beat the Spanish Armada in 1639.

not fully recovered. A few years more, assisted by a few more defeats, softened the obstinacy of Spain. She acknowledged the independence of the States *, and in twenty years after they protected her provinces against France †.

The Swiss, now that they are free, are more secure from attacks, than when they were dependent. They are defended by their mountains and the barrenness of their country; by their poverty, by their valour, and, by the mutual jealousies of the neighbouring empires. A partition is not easily agreed upon, and none will consent to their becoming an accession to the power of another, if such an accession were practicable. But it must be confessed that of all the advantages I have mentioned, their valour alone, at the time they threw off the yoke, seemed most in their favour. The enemy had possession of their country. The balance of power was then less understood, or less attended to, and their poverty and commercial insignificance must have been feeble inducements to the protection of their neighbours. Accordingly they had to work out their own liberty, and above three centuries elapsed before the House of Austria acknowledged their independence ‡.

I believe there are few will deny that America has already established her independence. She would not come over and prostrate herself at the feet of England; so England, with the magnanimity of a conqueror, appointed ambassadors to her by act of Parliament. Upon England's condescending "to treat with armed rebels," they refused to treat with England. They had procured friends, and they preferred them to masters. For the situation of America in the beginning of the contest, hear her own unexaggerated description: "Without arms, ammunition, discipline, revenue, government, or ally, almost totally stripped of commerce, and in the weakness of youth, as it were, "with a staff and a sling only," she dared, "in the name of the Lord of Hosts," to engage a gigantic adversary, prepared at all points, boasting of his strength, and of whom even mighty warriors were greatly afraid."

When to this enumeration of difficulties, which, one is tempted to think, requires little addition, we subjoin the fol-

* Treaty of Münster, 1648. † Triple alliance in 1668.

‡ They took up arms in the year 1303. Their independence was acknowledged in 1648, by the treaty of Münster, the same by which Spain acknowledged the independence of the United Provinces.

It would be singular enough if the same period which establishes American independence, shall be found to have destroyed the usurpation of the British Parliament over the legislative rights of Ireland.

lowing; that these Colonies were not more disunited by distance of place, than by difference of opinion, manners, spirit, religion and government; that they were so disunited in all these, that it seemed the dream of a dotard to think of connecting them in one interest, or of bringing them to co-operate, if they could be convinced that their interest was the same; that they were exposed to the navy and arms of England on their sea-coasts, to the incursions of Indians (perhaps too justly enraged) on their rear; and, in some provinces, to the more dangerous insurrections of their domestic slaves, whose dispositions to revenge must have been expected to burst on their more immediate oppressors; when all these particulars, I say, are considered, besides those which America herself has enumerated, I think scarce any nation on the earth should absolutely despair.

Let us consider the present situation of Ireland. I need scarce say, that there is not a maritime power in Europe to which her alliance would not, in itself, be an object of emulation. What then would it appear to the enemies of England? If Ireland should ask their protection, would they require to be founded at a distance, or to be assailed by preparatory arguments and leading propositions? Would they think it prudent to act as they did by America, to stand by, cool spectators of our struggle, till they judged how far we should be able to persevere or be likely to succeed? or, if they determined to assist Ireland, would they be obliged to have recourse to art in order to deceive a credulous minister, and to mask their intentions until they could declare them with safety? No, my countrymen: distant propositions, preparatory arguments, negociation, art,—all these are to us unnecessary! Conviction has long been confirmed. Their resolution is already taken. Their arms are already in their hands. They have crossed the Atlantic for their own interest and for the humiliation of England. Will a few leagues terrify them when their scheme is so near arriving at almost unhopèd-for perfection? They were then at peace, yet, they engaged in war. They are now at war, will they not carry it on? The sole question with them at present must be this: will they chuse to visit us as enemies, or as friends? For visit us they probably will. Will they attempt a conquest to which they are probably unequal; or will they chuse the easier road, and offer an alliance, which will have every real advantage to be expected from dominion, without the danger of an unsuccessful attempt, or the inconveniencies and hazards of the most successful

successful execution? Will they not offer an alliance such as their good sense has been content with from America, and which they have thought worthy of supporting by a war with England? such an alliance as, from its liberality, it will be the interest of the other European powers, at least, by a tacit acquiescence, to support? An alliance that will not contribute more to the weakening of an haughty adversary, and the disappointment of an insatiable monopolist, than to their own regal power, aggrandisement and glory.

And here, my countrymen, occurs an awful pause! What inducements hath British policy suffered to take root in the hearts of Irishmen, to enable them to resist such necessary and proffered protection. None, my friends! Loyalty, the fairest flower that can ornament the bosom of a Prince, finds in Ireland its happiest soil. Personal attachment to the King of Ireland, and his illustrious house, is the cord which binds us to our burden, and furnishes to a British people the occasion of loading us without bounds or mercy. Had we as little attachment to the House of Hanover as Scotland, or Manchester, we had long since in despair implored the protection of other powers, for so long as the "Parliament of Great Britain can bind us in all cases whatsoever," the worst that could happen to us would be to change our masters*. The word is not my own. It is by an English Judge and commentator directly applied to the situation of this kingdom, and its subordination to England by right of conquest.

But has England learned nothing from her late experience in America? Will she for ever trust to our loyalty alone, and will our King for ever leave us at the mercy of a British Parliament? As to the English people, the power of God has been

* It may be seen by Blackstone, b. I. p. 100, what an English lawyer thinks the *necessary* consequence of *all* dependence upon *England*! We are bound by *every law* she, in her wisdom or wantonness, *thinks proper* to prescribe. We shall soon, I suppose, be on a footing with those slaves of the Romans who were *bound to the glebe*, or soil. England will *think proper* that we should not *depart* from the soil, but be transferred with it by *deed, roll, or indenture*. This will save us a multitude of disputes about our *property*, for we shall then, like the Roman slaves, become perfect *THINGS*, and cease to be *PERSONS*. The English prints will then afford entertainment to those who can relish it. If any of us are missing from our *stalls* or *lumber-rooms*, we shall be *advertised* for, and described, as "*LOST, STRAYED, STOLEN, or MISLAID*."—We shall be taken *damage feasant* (perhaps *rider* and all!) and if we happen to die of cold and hunger, in an *open pound*, it will be at the suit of *the owner*!—O Ireland! Ireland! Dost thou retain one spark of feeling, to make the oppression of thee a *crime*?

displayed to them in vain. They seem to have revived the age of miracles, and to have left the Egyptians at a distance. All that should have inspired them with awe, humility, and wisdom, seems but to have darkened their understandings and hardened their hearts! But let it be our duty, my countrymen, to consider the crisis, and profit of it! Let us adore that wonder-working God, who in the intoxication of our oppressors has laid the foundation of our relief, and who in the mis-carriages of British tyranny beyond the Atlantic, has taught Irishmen the practicability of their own emancipation from the authority of an usurping English Parliament.

But we are nearer to England. I hear my countrymen lament it, and often have lamented it myself! Yet, (indulge me, my countrymen, while I explain my paradox!) *on that very proximity does the weal of Ireland depend.*

We are near to England; but we are near to assistance also. The Atlantic rolls not between us and England; but neither does it roll between us and her enemies. These enemies are on the way. Before the wind changes they are here. Our proximity to England is to us, in the present posture of affairs, what the distance of America was in the beginning of the contest, to her. The latter was a barrier against Britain; the former is a bridge for her foes. In this respect then we are equal to America. We have however an advantage from our proximity, which she never can derive from her distance. It is a *perpetual guarantee* against the oppression of any self-created protector. It is perpetual, because it depends not on the policy or caprice of kings or of nations. It is fixed in the nature of things.

America might have been ruined by the treachery of France, or she may yet fall by Congress, as England has done by a parliament.

Let Ireland be subject to her own legislation only, and one might venture to say she is free for ever. Her situation and size fit her for that moderate degree of strength and power which is most likely to be permanent.

Let these things be weighed, and perhaps that man could not be acquitted of presumption, who would venture to point out another spot upon the globe, to which Ireland should now wish to be removed.

From this proximity of England, I would deduce *this truth*, which I wish to be engraven on the heart of every Irishman: *England is the only power that can enslave us further, or keep us as we are.* And this is the important moment

ment when our own firm constitutional resistance will derive additional support from the dread of her enemies, towards shaking of the shackles off an usurping English people.

But, unless we entertain for each other a mutual and general confidence, unless we lay aside all rancour of prejudice on account of distinctions either political or religious, to attempt such a relief from those shackles would be only to solicit confusion.

There are, however, many instances of states differing very much in religion, and yet united in strict civil confederacy and union. Scarce six of the Cantons of Switzerland are Protestants, the seven remaining are Roman Catholics; and, what seems a little extraordinary, the greater number of the Roman Catholic Cantons are democratical, that of the Protestant Cantons aristocratical in their government. In the United Provinces the majority of the people are either Presbyterians or Roman Catholics, and though Presbyterianism is the established religion, yet, the toleration or connivance which all sects meet with from the government, has produced a general moderation and peace, and, in its natural consequences, has added power, grandeur, and stability to the state. The state of Pennsylvania is equally various in its religion. The laws of this province are more liberal than the spirit of any other province. They give no preference to any sect. They tolerate all sects. All sects are therefore not only peaceable, but content. Most of the other states of America, so firm in their union against England, are scarcely more opposite than they are inveterate in the several prejudices and opinions which they carried with them from Europe. In short, from all the facts we can collect, our uniform conclusion must be, that that nation is most likely to be great, powerful, and happy, which finds political and civil moderation necessary to its very being. Where there are no sects or parties, I may venture to say there cannot be sense, science, liberty, or commerce. Where, from circumstances internal or external, different sects are nearly ballanced in power, the laws must be moderate, and the spirit of the laws will become the spirit of the people. The nation will be in harmony within itself, and that moderation and good sense which will distinguish it in its internal government and policy, must characterise it in its conduct towards other nations.

It is very sensibly observed by a Roman Catholic Priest *, in a late address to those of his own persuasion in Ireland,

* Rev. Arthur O'Leary.

that "conquerors, (and, let me add, traders and politicians) are of no religion." The English established popery in Canada. The French entered into alliance with Presbyterians in North America; and, I dare say, would have done the same, if their Deity had been the sun or a serpent, an onion or a monkey. The Dutch, it is said, tread upon the cross at Japan, and the English make alliances with Moors and with Indians.

The French are, perhaps, even in religion, as liberal a nation as any in Europe. I judge not of them by their creeds, confessions, or articles of belief: God forbid that I should judge by these alone of the hearts or understandings of any people upon earth, who have public creeds, confessions, or articles! These are not always formed by the wisest or most religious people of a nation. The wisest and most religious are generally better employed. I judge of the French nation by the general conduct of the people; and I believe it will be owned that they are more liberal to Englishmen, than Englishmen are to them. The absurdity of supposing that even conquerors would make violent alterations in private property, and involve themselves in the perplexed disputes and antiquated claims of families, that have suffered by forfeiture, has been well exposed by the Reverend Divine just mentioned. Were the question indeed between two pretenders to the crown, the case might be different. He who succeeded must reinstate some of his adherents, and gratify others. This must be done at the expence of the opposite party. But a conqueror, who is not able to crush the subdued nation at a single effort, will think himself happy in prevailing upon the people to remain quiet as he found them. He will make no alteration which he can avoid; he will avoid every alteration which can disgust or displease. What then is to be expected from even a powerful protector, that offers independence to a nation so divided into parties that no one of them has power to crush the others, supported as they would be, by the nation that formerly enslaved them? I say that, in this case, we might expect such a moderation as would over-rule every petty distinction or jealousy, and would unite the nation by community of interest. To make an alteration in the established religion, or to deny to all denominations of Protestant Dissenters that toleration which they at present enjoy, would be the madness of folly. Those we speak of are neither fools nor madmen.

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The Roman Catholics might, with justice indeed, expect a more compleat toleration. But it would require peculiar delicacy to grant this without offending those Protestants who at present enjoy but a toleration themselves. The interference of Roman Catholic protectors, conscious of the prudence their situation required, must be of the most temperate kind. The alterations made would be gentle, gradual, and rather the effect of an insensible alteration of opinion and removal of prejudice, than an act of force or power in the state. And, from the co-operation of all these causes, I am inclined to think there would naturally arise a mildness of government, and a benevolence of toleration which is unknown to the laws of any other country in Europe, and which enthusiasm itself has scarce dared to think consistent with the littleness of human nature.

But whatever may be the natural dignity and strength of Ireland, or whatever advantages she might derive from the present posture of affairs, there are some who cannot readily give up their attachment to the people of England, or think themselves justified in resisting them in their present state of misfortune, while there are others who yet dread her power, and tremble at her name. To the former I shall speak more particularly hereafter, and hope to shew that we are not bound by any ties of duty, gratitude, or honour, to remain in subjection to the parliament of England.

At present I would address myself to the latter. That the power of England is not yet an imagination I readily will own. Great even yet is the power of England, and great is the memory of her glory! but her glory lives but in memory, and the sinews of her power are withered. Exhausted and foiled by America, whom, in the hour of her insolence, she treated with a contempt that would have robbed victory of its honour, but has covered defeat with aggravated disgrace, returning reason can suggest but one consolation for her folly; that something yet remains for madness to squander, that there is yet a remnant which penury may save. The arbiters of empires may yet exist among nations! the patroness of nations may yet be an house-wife!

There was a time when the world and the Roman Empire were synonymous terms.

There was a time too when the very name of Rome kept the Provinces in awe, though she could scarce have defended her walls; England has fallen by her own weight which she
wanted

wanted wisdom to balance. Those days are past in which her history went hand in hand with romance. France has struck terror into *her conquerors*, and has shaken the throne of *her King*! The English channel has become a term of mockery. It has seen the navy of England in its *flight*! The navy of England has left her coasts to be insulted! That the navy of England was able to secure the protection of a port has, to a sovereign of England, become a theme of congratulation!

While England thus protects herself, need I ask what protection she is likely to afford to Ireland? If we remain by her bad policy in our present impoverished state, can she protect us from the arms or insults of her enemies?

Have we not men in arms already? Men whom England, and the slaves of England, would long ere this have disarmed, had they dared to do so! Men whose spirit they now affect to approve, because they find their approbation is indifferent to them! Men whose spirit must obtain a momentary protection, and to whom a very little time will render protection unnecessary! Men who may yet teach England that the soil of their own country benumbs not their courage; that it is not on the plains of Flanders or America alone that *Irishmen* can *conquer*!

The subject, my countrymen, has risen upon me. I have (I hope you will think unavoidably) been led into some details. My indignation, upon other occasions, I have found it difficult to repress. You will consider the design, and pardon any involuntary failure in the execution. But, before I take my leave for the present, allow me to ask one short question:

Shall we trust to other nations for a temporary protection, which (judging from human nature, and their particular line of conduct) I aver it to be equally their interest and their inclination to give, and the bounds of which, as I have endeavoured to prove, they cannot exceed; or, shall we depend to eternity on the generosity of a nation, who has shewn herself as incapable of generosity as of justice, and whose folly has disabled her from performing the duties of either? She thunders forth the mandates of her *omnipotence*; but, is her providence so particular, so watchful, so active, and so benevolent, that we should leave to her more than the God of Nature demands for himself, that we should leave agency to her, and address her but in prayer? Is the night of religious superstition passed away, and must that of political idolatry usurp the rightful vicissitude of day? Our night of both has been sufficiently long? But the sun of England, in whose meridian

shews that Ireland was even then highly renowned on the same account,

Insula dives opum, gemmarum, vestis & auri.

From these foreign evidences, let us now recur to the accurate pages of the Irish History. In the reign of Tighernmas, who flourished about 1000 years before Christ, we are told that the first gold mine found in Ireland, was discovered near the banks of the Liffy: and our annalists have been minute enough to tell us, that Juachadhan of Cualane, in the county of Wicklow, was the principal conductor of these works *, whose knowledge in metals and colours, they have not neglected to mention. In more than a century after we find that targets of pure silver were fabricated, and distributed to the bravest of the soldiery; and in the reign of Muincamhuin, who founded the order of the Golden Collar (so called from each knight wearing a collar of gold hung round his neck by a chain of the same metal) helmets were made with the neck and fore-pieces of pure gold. The handles of the swords of our antient knight, were made of pure gold, and the blades of a mixt brass, numbers of which have been and are daily discovered in bogs and other recesses. It appears among the hostages delivered to the Emperors of Ireland by the provinces, as well foreign as domestic, that those of Orgial were particularly distinguished from the rest, by having their shackles of pure gold, and the very word signifies the Golden Hostage. Part of the *Boirimbe-Iaighen*, or tax on the kingdom of Leinster, and regularly paid into the monarch's treasury, for near 400 years, was 6000 ounces of pure silver. These facts it should seem are sufficient proofs of the great riches of antient Ireland, and her superior knowledge and industry to the modern. But if her own history will not be allowed as evidence in her favour, without modern collateral proofs, we are even abundantly furnished with these.

Mr. ô Flaherty †, from Nenius, an author of the 9th century, and from old manuscripts, gives an account of the antiently supposed wonders of Ireland, some of which have been found true, others false. Among others we find the following account of mines about Louch-Lene, or Killarney in the county of Kerry.

*Mamonix stagnum Lochlenius undique Zonis
Quatuor ambitur: prior est ex ære; secunda
Plumbea; de rigido conflaturo tertia ferro:
Quarto residentis pallescet linea Stanño.*

* Keating p. 1. ô Flaherty, p. 195. Grät. Lucius, &c.

† Ogygia, p. 220.

We also find, that in said lake, large quantities of pearls have been found.

It is not above thirty years since a very rich copper mine was discovered on the border of this lake, and worked with very great profit to the proprietors for many years; but what is greatly to our purpose, is, that on pushing on their works, they found shafts had been regularly sunk, and implements of mining were found. These works were ignorantly imputed to the Danes, who, it appears, had very inconsiderable settlements here, and who, it must be confessed, seem to have been little qualified for such undertakings. As to the lead mine it is an uncontroverted fact, that about fifty years ago, an English company worked one at Castle Lyons, on the side of the Lake; and many years after, the same works were resumed under the inspection of one Longstaff, from which they extracted large quantities of silver. Though the tin mine has not been yet found, nor, I suppose, searched for, yet Smith * confesses to have found near the lake an ore which contained tin; and as for the iron mines, the proofs that they were largely carried on here are many, and at this day one is worked near Mucrofs. A. C. 1094, we read of an elegant present of Kerry pearls, from Gilbert Bishop of Limerick, to Anselm Archbishop of Canterbury †. At this day pearls are frequently found in the lake; nor can it be denied but the finest amethysts, emeralds, and other precious stones, and the hardest, are found in this country; and the common Kerry stone nearly approaches the diamond in lustre and hardness. Yet it is not above fifty years since such have been discovered; though we read, that our early princes and nobles wore them in their ears and on their cloaths; and that the Bishop of Fesicoli has mentioned these among the other productions of Ireland! In opening of many other mines, old shafts have been discovered, and implements of mining found, particularly in a rich lead one, on the estate of Thomas Westrop, Esq; in this county, and bordering on the Shannon. In working the lead mines of Knocaderry, since called Silver Mines, in the county of Tipperary, in the beginning of the last century, shafts were seen, and every other proof of its being worked centuries earlier. The rich copper mines in the county of Wicklow, and these latter ones in the county of Tipperary, are still further proofs of the great plenty of this metal formerly; and will explain why

* Nat. History county of Kerry, p. 125.

† Epist. Hibern, Syl. p. 81, &c.

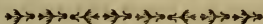
the sharp edges of the blades of our antient swords, &c. were of a mixt brass; and how the people of Leinster were enabled to give six thousand copper cauldrons to the Monarch's tax-gatherers, every second year, being a part of their famous tribute, the cause of so much bloodshed in Ireland.

When the Spaniards, in Queen Elizabeth's days, landed at Smerwic bay, in the county of Kerry, on erecting a fort near it, from the many pieces of gold they found here they called it Fort de l'or; and some years ago some country people, in trenching potatoes near it, found several corselets of pure gold. Mr. Smith * supposes this to be part of the treasures sent from Spain, in these days; but is it probable that gold corselets were sent to relieve a distressed people, who only wanted powder and ball, and which they fought for at an immense expence? Besides, Sir George Carew, then president of Munster, and an indisputable authority, tells us †, that these treasures were in money, safely landed by Mac Eagan, Apostolic Vicar, and by him distributed to the Irish chiefs; nay, he is even minute enough to tell us each person's share. But numbers of these, as well as handles of swords, and gold of a particular colour and hardness, made for the purpose of lodging the poll-axes of our antient *Marc-Sloigh*, or cavalry, have been frequently found. Of these corselets alone, I have seen above twenty, and purchased one, the gold of which was so ductile as to roll up, like paper. These likewise prove the reality of our Niagha-Nasc, or Knights of the Golden Collar, as well as the superior knowledge of our ancestors in the natural history of their country. They shew the care taken to advance nothing but what was strictly true, in our antient history; and at the same time, point out to the public, the great loss the learned world, as well as this kingdom, has sustained by the destruction of so many of our antient annals, and the necessity of attending more diligently to what remain. Even our old odes and ballads, should not be too slightly regarded. The Bishop of London, in his edition of Cambden, p. 1411, tells us, “ That
“ The Bishop of Derry being one day at dinner, an Irish harp-
“ er came in, and sung an old ode to the harp, the substance
“ of which was, that in such a place, pointing to the very
“ spot, near Ballyshannon, a man of gigantic figure lay bu-
“ ried; and that over his breast and back were plates of pure
“ gold, and on his fingers rings of the same; the place was

* History of Kerry, p. 186.

† Pacat. Hibern. p. 306.

“ so minutely described, that two of the company were
 “ tempted to examine into it, and did accordingly find two
 “ thin pieces of pure gold,” a figure of one of which, Mr.
 Harris gives. The great plenty of gold in antient Ireland
 cannot be contested. We have seen that part of the furniture
 of Tara was of pure gold, as was most of the church plate
 through the kingdom: even the bells for the altars were of
 gold, or of silver inlaid with gold, and ornamented with pre-
 cious stones, many of which existed in the last century, as
 the learned Colgan witnesses *; and we yet call them Muil-
 lean-oir. Nay this luxury extended to private life; thus,
 the *ô Cowbig's*, a family in the county of Cork, are, in a very
 antient poem, distinguished from their neighbours, the *ô Dis-
 coll's*, and *ô Flain's*, by the epithet of *ô Colbhtaicc, na N'ard-
 Ceorn cir*, or *ô Cowbig* of the lofty gold drinking cup. Should
 any doubt yet remain of the wealth of antient Ireland, the
 Airigid-Sron, or Nose-money, being an ounce of gold paid
 annually by the head of every family, under the Danish
 power to these tyrants, may, surely, remove it.



When I first proposed to myself the compilation of the following work, I did not intend the present subject should extend beyond a general reference to a pamphlet which ought to be dear to every Irishman, I mean, Mr. Molyneaux's *Case of Ireland*, &c. and a copy of the Irish Magna Charta, which last, even to every dispassionate reader, ought to be sufficient, as ratified in the same solemn manner, and containing the same sacred privileges and immunities of the English one, to which they very justly hold no law superior †. I shall, however, claim the reader's indulgence, and proceed further :

All the charters and grants of liberties from Edward † the Confessor's time down to the 9th of Henry the III. were but confirmations one of another, and all of them declarations and confirmations of the common law of England. And by the several establishments, which we have formerly mentioned, of the laws of England to be of force in Ireland: First, in the 13th of Henry II. Secondly, in the 12th of king John.

* Act. Sanctior. Hibern, p. 149

† Magna Charta is only an abridgment of our ancient laws and customs; the King that swears to it, swears to them all, and is not admitted to be interpreter of it, or to determine what is good or evil, fit to be observed or annulled in it, and he can have no more power over the rest.

Lord Somers on the Rights of the people.

‡ Molyneux.

Thirdly,

Thirdly, in the 12th of Henry III. All those laws and customs of England, which by those several charters were declared and confirmed to be the laws of England, were established to be of force in Ireland. And thus Ireland came to be governed by one and the same common law with England; and those laws continue as part of the municipal and fundamental laws of both kingdoms to this day.

It now remains that we enquire, how the statute laws and acts of parliament made in England, since the 9th of Henry III. came to be of force in Ireland; and whether all or any of them, and which, are in force here, and when and how they came to be so.

And the first precedent that occurs in our books, of acts of parliament made in Ireland, particularly mentioning and confirming special acts of parliament in England, is found in a marginal note of Sir Richard Bolton's, formerly lord chief baron of the Exchequer in Ireland, affixed in his edition of the Irish statutes, to stat. 10 Hen. 7, cap. 22. to this purport, That in 13 Ed. II. 'by parliament in this realm of Ireland
' the statutes of Merton, made the 20th of Henry II. and
' the statutes of Marlbridge, made the 25th of Henry III.
' the statute of Westminster the first, made the 3d of Edward
' I. the statute of Gloucester, made the 6th of Edward I.
' and the statute of Westminster the second, made the 13th
' of Edward I. were all confirmed in this kingdom, and all
' other statutes which were of force in England, were re-
' ferred to be examined in the next parliament; and so many
' as were then* allowed and published, to stand likewise for
' laws in this kingdom. And in the 10th of Henry the
' IV. it was enacted in this kingdom of Ireland, "That
' the statutes made in England should not be of force in
' this kingdom, unless they were allowed and published
' in this kingdom by parliament." 'And the like statute
' was made again in the 29th of Henry VI. These sta-
' tutes are not to be found in the rools, nor any parliament
' roll of that time; but he (Sir Richard Bolton) had seen the
' same exemplified under the great seal, and the exempli-
' fication remaineth in the treasury of the city of Waterford.' Thus far the note. If we consider the frequent troubles and distractions in Ireland, we shall not wonder that these, and many other rolls and records, have been lost in this kingdom: For from the 3d year of Edward the II. which was anno

* Vid. lib. rubr scaccar. Dubl.

130, through the whole reigns of Edward the III. Richard II. Henry IV. and Henry V. and so to the 7th year of Henry VI. anno 1428, which is about 118 years, there are not any parliament rolls to be found*; yet certain it is, that divers parliaments were held in Ireland in those times†. The same may be said from Henry II's coming into Ireland, anno 1172, to the 3d year of Edward II anno 1310, about 138 years.

Perhaps it may be said, that if there were such statutes of Ireland as the said acts of the 10th of Henry IV. and the 29th of Henry VI. as they shew, that the parliaments of Ireland did think that English acts of parliament could not bind Ireland; yet they shew likewise, that, even in those days, the parliaments of England did claim this superiority; or else to what purpose were the said acts made, unless in denial of that claim.

All which I hope may be readily granted without any prejudice to the right of the Irish parliaments: there is nothing so common, as to have one man claim another man's right: and if bare pretence will give a title, no man is secure: and it will be yet worse, if when another so pretends, and I insist on my right, my just claim shall be turned to my prejudice, and to the disparagement of my title.

We know very well, that many of the judges of our four courts have been from time to time sent out of England; and some of them may easily be supposed to come over hither prepossessed with an opinion of our parliament's being subordinate to that of England. Or, at least, some of them may be scrupulous, and desirous of full security in this point; and on their account, and for their satisfaction, such acts as afore-said, may be devised, and enacted in Ireland. But then, God forbid that these acts should afterwards be laid hold of to a clear other intent than what they were framed for; and instead of declaring and securing our rights, should give an handle of contest, by shewing that our rights have been questioned of ancient time.

In conclusion of all, if this superiority of the parliament of England have been doubted a great while ago, so it has been as great a while ago strenuously opposed, and absolutely denied by the parliaments of Ireland: and by the way, I shall take notice, that from whencesoever this ancient pretence of Ireland's subordination proceeded in those days, it did

* Annals of Ireland, at the end of Camden's Britain. Edit. 1634. page 195, 197, &c.

† Ibid. page 160. Pryn against the 4th Instit. chap. 76.

not arise from the parliament of England itself: for we have not one single instance of an English act of parliament expressly claiming this right of binding us: but we have several instances of Irish acts of parliament expressly denying this subordination, as appears by what foregoes.

Afterwards, by a statute made in Ireland the 18th of Henry VI. cap. 1. All the statutes made in England against the extortions and oppressions of purveyors, are enacted to be ‘holden and kept in all points, and put in execution in this ‘land of Ireland.’

And in the 32d year of Henry VI. cap. 1. by a parliament in Ireland ’tis enacted, ‘That all the statutes made against ‘provisors to the court of Rome, as well in England as in ‘Ireland, be had and kept in force.’

After this, in a parliament at Drogheda the 8th of Edward IV. cap. 1. it was ratified, that the English statute against rape, made the 6th of Richard II. should be of force in Ireland, from the 6th day of March last past: ‘And that ‘from henceforth the said act, and all other statutes and acts ‘made by authority of parliament within the realm of Eng- ‘land, be ratified, and confirmed, and adjudged, by the ‘authority of this parliament in their force and strength, ‘from the said sixth day of March.’ We shall hereafter have occasion of taking farther notice of this statute upon another account.

Lastly, in a parliament held at Drogheda the 10th of Henry VII. cap. 22. it is enacted, ‘that all statutes late’ (that is as the* learned in the laws expound it, before that time) ‘made ‘in England, concerning the common and public weal of the ‘same, from henceforth be deemed effectual in law, and be ‘accepted, used and executed within this land of Ireland in ‘all points, &c.’

† And in the 14th year of the same king’s reign, in a parliament held at Trifle-Dermot, it was enacted, ‘That all acts of parliament made in England for punishing customers, controulers, and searchers, for their misdemeanors; or for punishment of merchants or factors, be of force here in Ireland, provided they be first proclaimed at Dublin, Drogheda, and other market-towns.

Thus we see by what steps and degrees all the statutes which were made in England, from the time of Magna Charta, to the 10th of Henry VII. which did concern the public commonweal,

* Cook’s 4th instit. cap. 76, p. 351.

† Vid. Irish Stat.

were received, confirmed, and authorized to be of force in Ireland; all which was done by assent of the lords spiritual and temporal, and the commons in the parliament of Ireland assembled, and no otherwise.

We shall not enquire, whether there are not other acts of the English parliament, both before and since the 10th of Henry VII. which were and are of force in Ireland, though not allowed of by parliament in this kingdom. And we shall find, that by the opinion of our best lawyers, there are divers such; but then they are only such as are declaratory of the ancient common law of England, and not introductive of any new law: for these become of force by the first general establishment of the common laws of England in this kingdom, under Henry II. king John, and Henry III. and need no particular act of Ireland for their sanction.

As to those English statutes since the 10th of Henry VIIth, that are introductive of a new law, it was never made a question whether they should bind Ireland, without being allowed in parliament here; till of very late years this doubt began to be moved; and how it has been carried on and promoted, shall appear more fully hereafter.

I say, till of very late years; for the ancient precedents which we have to the contrary, are very numerous. Amongst many, we shall mention the following particulars.

In the 2.1st of Henry VIIth, an act was made in England, making it felony in a servant that runeth away with his master's or mistress's goods. This act was not received in Ireland till it was enacted by a parliament held here in the 33d of Henry VIIIth, c. 5. Sec. 1.

In the 21st of Henry VIII. c. 19. there was a law made in England, that all lords might distrain on the lands of them holden, and make their avowry not naming the tenant, but the land. But this was not of force in Ireland till enacted here in the 33d of Henry VIII. c. 1. Sec. 1.

An act was made in England, anno 31 Henry VIII. that joint-tenants and tenants in common should be compelled to make partition, as co-parceners were compellable at common law. But this act was not received in Ireland till enacted here, anno 33 Henry VIII. c. 10.

Anno 27 Henry VIII. c. 10. the statute for transferring uses into possession was made in England; but not admitted in Ireland till 10 Car. 2, Sec. 2.

In like manner, the English statute 33 Henry VIII. c. 1. directing how lands and tenements may be disposed by will, &c. was not of force in Ireland till 10 Car. 2. Sef. 2.

The act of uniformity of common prayer and administration of the sacraments was made in England the 1st of Eliz. c. 2. but was not established in Ireland till the 2d of Eliz. c. 2. And so that of England 14 Car. 2. c. 14. was not received in Ireland till 17 & 18 Car. 2. c. 6.

The statute against wilful perjury made in England 5 Eliz. c. 9. was not enacted in Ireland till 28 Eliz. c. 1.

So the English act against witchcraft and forcery made 5 Eliz. c. 16. And another act against forgery 5 Eliz. c. 14. were neither of them in force in Ireland till the 28th of her reign, cap. 3, and 4.

The English statute against piracies was made the 28th of Henry VIII. c. 15. but not in Ireland till the 12th of King James, c. 2.

In England an act was made the 27th of Eliz. c. 4. against fraudulent conveyances; but it was not in force in Ireland till enacted here the 10th of Charles, c. 3. Sef. 2.

In the 15th year of king Charles I. in a parliament held at Dublin, there were six English statutes made laws of this kingdom, with such alterations as best fitted them to the state thereof, viz.

21 Jac. c. 14. For pleading the general issue in intrusions brought by the king, by chap. 1 of the Irish statutes.

31 Eliz. c. 2. For abridging of proclamations on fines, by chap. 2.

2 and 3 Edw. VI. c. 8. concerning offices before the escheator, by chap. 4.

31 Eliz. c. 1. Discontinuance of writs of error in the Exchequer chamber, by chap. 5.

8 Eliz. c. 4. and 18 Eliz. c. 7. concerning clergy, by chap. 7.

24 Hen. VIII. c. 5. concerning killing a robber, by chap. 9.

There are six English statutes likewise passed in the time of king Charles II. upon and soon after the restoration, some of which were not passed into laws in Ireland till a year, two or three, afterwards: as will appear by consulting the statute books *

* Irish stat. 13 C. 2, c. 2. 13 C. 2, c. 3. 14 & 15 C. 2, c. 1. 14 & 15 C. 2, c. 19. 17 & 18 C. 2, c. 3. 17 & 18 C. 2, c. 11. English stat. 12 C. 2, c. 12. 12 C. 2, c. 3. 12 C. 2, c. 14. 12 C. 2, c. 24. 12 C. 2, c. 33. 16 & 17 C. 2, c. 5.

And in the first year of William and Mary, Sess. 2. c. 9. an act passed in England, declaring all attainders and other acts made in the late pretended parliament under king James at Dublin, void : but was not enacted here in Ireland till the 7th year of king William, c. 3. And this was thought requisite to be done upon mature consideration thereon before the king and council of England*, notwithstanding that the English act does particularly name Ireland, and was wholly designed for, and relates thereto.

The like may we find in several other statutes of England passed since his present majesty's accession to the throne, which have afterwards been passed here in Ireland, with such alterations as make them practicable and agreeable to this kingdom, such as are amongst others, the act for disarming papists. The act of recognition. The act for taking away clergy from some offenders. The act for taking special bail in the country, &c. The act against clandestine mortgages. The act against cursing and swearing.

These, with many more, are to be found in our statute books in the several reigns of Henry VIII. Edward VI. queen Elizabeth, king James, king Charles I. and II. and king William. But it is not to be found in any records in Ireland, that ever any act of parliament, introductive of a new law made in England since the time of king John, was by the judgment of any court, received for law, or put in execution in the realm of Ireland; before the same was confirmed and assented to by the parliament in Ireland.

And thus I presume we have pretty clearly made out, and plainly shewn the several steps by which the English form of government, and the English statute laws were received in this kingdom; and that this was wholly by the people's consent in parliament, to which we have had a very ancient right, and as full a right as our next neighbours can pretend to, or challenge.

It were endless to mention all the records and precedents that might be quoted for the establishment of the laws of England; I shall therefore enter no farther into that matter but therein refer to lord chief justice Cook, † Pryn†, Reyly§, &c.

* For we have had two several acts transmitted to us at different times, to this very purpose. One we rejected in the lord Sidney's government, another passed under the lord Capell.

† Fourth inst. † Against the fourth inst. § Placita parliamentaria.
m The

The hand of English power may be said then to have grasped at Irish freedom only, under the detestable reign of Charles II*.

In the year 1663 the distinctions † between the trade of England and Ireland ‡, and the restraints on that of the latter commenced. By an English act passed in that year, intitled an act "for the encouragement of trade," a title not very applicable to the parts of it that related to Ireland, besides laying a duty nearly equal to a prohibition on cattle imported into England from that kingdom, the exportation of all commodities, except victuals, servants, horses, and salt for the fisheries of New England and Newfoundland, from thence to the English plantations, was prohibited from the 25th of March, 1764. The exports allowed were useful to them, but prejudicial to Ireland, as they consisted of our people, our provisions, and a material for manufacture which we might have used more profitably on our own coasts.

In 1670 another act ¶ passed in England, to prohibit from the 24th of March 1671, the exportation from the English plantations to Ireland of several materials for manufactures §, without first unloading in England or Wales. We are informed by this act that the restraint of the exportation from the English plantations to Ireland was intended by the act of 1663; but the intention is not effectuated, though the importation of those commodities into Ireland *from England*, without first unloading there, is, in effect, prohibited by that act.

The prohibition of importing into Ireland any plantation goods, unless the same had been first landed in England, and had paid the duties, is made general, without any exception, by the English act of the 7th and 8th W. 3d, ch. 22.

* This I am sure of, that before these acts (cattle, tobacco, and navigation acts) in King Charles II. time, (the eldest of which is not over thirty-seven years) there is not one positive full precedent to be met with in all the statute-book, of an English act binding the kingdom of Ireland. And on this account we may venture to assert, that these are at least innovations on us, as not being warranted by any former precedents.

And shall proceedings only of thirty-seven years' standing, be urged against a nation, to deprive them of the rights and liberties which they enjoyed for five hundred years before, and which were invaded without and against their consent, and from that day to this have been constantly complained of? Let any English heart that stands so justly in vindication of his own rights and liberties, answer this question, and I have done.

Molyneux, p. 40.

† Commer. Restr.

‡ 15 Ch. 2, ch. 7.

¶ 22d and 23d Ch. 2d, ch. 26.

§ Sugar, tobacco, cotton, wool, indigo, steel or Jamaica wood, fustick, or other dying wood, the growth of the said plantations.

By

By comparing the restrictive law of 1699, with the statutes which had been previously enacted in England from the 15th year of the reign of Charles the Second, relative to the Colonies, it appears that this restrictive law originated in a system of colonization. The principle of that system was, that the Colonies should send their materials to England, and take from thence her manufactures, and that the making those manufactures in the Colonies should be prohibited or discouraged. But was it reasonable to extend this principle to Ireland? The climate, growth and productions of the Colonies were different from those of their parent country. England had no sugar-canes, coffee, dying-stuff, and little tobacco. She took all those from her Colonies only, and it was thought reasonable that they should take from her only the manufactures which she made. But in Ireland, the climate, soil, growth and productions are the same as in England, who could give no such equivalent to Ireland as she gave to America, and was so far from considering her, when this system first prevailed, as a proper subject for such regulations, that she was allowed the benefits arising from those Colonies equally with England, until the 15th year of the reign of King Charles * the Second. By an act passed in that year, Ireland had no longer the privilege of sending any of her exports, except servants, horses, victuals and salt, to any of the Colonies; the reasons are assigned in the preamble, "To make
 " this kingdom a staple, not only of the commodities of those
 " plantations, but also of the commodities of other countries
 " and places for the supplying of them, and it being the
 " usage of other nations to keep their plantation trade to
 " themselves †." At the time of passing this law, though less liberal ideas in respect of Ireland were then entertained, it went no further than not to extend to her the benefit of those Colony regulations; but it was not then thought that this kingdom was a proper subject for any such regulations. The scheme of substituting there, instead of the woollen, the linen trade, was not at that time thought of. The English were desirous to establish it among themselves, and by an act of parliament ‡ made in that year for encouraging the manufacture of linen, granted to all foreigners who shall set it up in England, the privileges of natural born subjects.

* 15 Ch. II. ch. 7.

† As other nations did the same, Ireland was shut out from the new world, and a considerable part of the old in Asia and Africa.

‡ 15 Ch. II. ch. 15.

But it appears by the English statute of the 7th and 8th Will. III *. that this scheme had not succeeded in England ; and from this act it is manifest that England considered itself, as well as Ireland, interested to encourage the linen manufacture there ; and it does not then appear to have been thought just, that Ireland should purchase this benefit for both, by giving up the exportation of any other manufacture. But in 1698 a different principle prevailed ; in effect the same, so far as relates to the woollen manufacture, with that which had prevailed as to the commerce of the Colonies. This is evident from the preamble of the English law † made in 1699, “ For as much as wool and woollen manufactures of cloth, “ serge, bays, kerseys and other stuffs, made or mixed with “ wool, are the greatest, and most profitable commodities of “ this kingdom, on which the value of lands and the trade “ of the nation do chiefly depend ; and whereas great quantities of like manufactures have of late been made and are “ daily encreasing in the kingdom of Ireland, and in the “ *English plantations* in America, and are exported from thence “ to foreign markets, heretofore supplied from England, “ which will inevitably sink the value of lands, and tend to “ the ruin of the trade and woollen manufactures of this “ realm ; for the prevention whereof, and for the encouragement of the woollen manufactures in this kingdom, &c.”

The ruinous consequences of the woollen manufactures of Ireland to the value of lands, trade and manufactures of England, stated in this act, are apprehensions that were entertained, and not events that had happened ; and before those facts are taken for granted, I request the mischiefs recited in the acts ‡ made in England to prevent the importation of cattle dead or alive from Ireland, may be considered.

Connecting this preamble of the act of 1699, with the speech made from the throne to the parliament of Ireland in the year 1698, with the addresses of both houses in England, and with the prohibition, by this and by other acts formerly made in England, of exporting wool from Ireland except to that kingdom, the object of this new commercial regulation is obvious. It was to discourage the woollen manufacture in Ireland, and in effect, to prohibit the exportation from thence, because it was the principal branch of

* Ch. 39.

† 10th and 11th W. III. ch. 10.

‡ 15 Ch. II. ch. 7. 18 Ch. II. ch. 2. 20 Ch. II. ch. 7. 22d and 23d Ch. II. ch. 6. 3 Ch. II. ch. 2.

manufacture, and trade in England, to induce us to send to them our materials for that manufacture, and that we should be supplied with it by them; and to encourage, as a compensation to Ireland, the linen manufacture, which was not at that time a commercial object of any importance to England.

The supposed compensation was no more than what Ireland had before; no further encouragement was given by England to our linen manufacture until six years after this prohibition, when at the request of the Irish house of commons, and after a representation of the ruinous state of this country, liberty was given by an English act of parliament * to export our white and brown linens into the colonies, which was allowing us to do as to one manufacture, what, before the 15th of king Charles the second, was permitted in every instance.

For several centuries before this period Ireland was in possession of the English common law †, and of magna charta. The former secures the subject in the enjoyment of property of every kind; and by the latter, *the liberties of all the ports of the kingdom are established.*

The statutes made in England for the common and public weal, are ‡ by an Irish act of the 10th of Henry the 7th, made laws in Ireland; and the English commercial statutes, in which Ireland is expressly mentioned, will place the former state of commerce in this country in a light very different from that in which it has been generally considered in Great-Britain.

By the 17th of Edward the 3d, ch. 1. all sorts of merchandizes may be exported from Ireland, except to the king's enemies.

By the 27th of Edward the 3d, ch. 18. merchants of Ireland and Wales may bring their merchandize to the staple of England; and by the 34th of the same king, ch. 17. all kinds of merchandizes may be exported from and imported into Ireland, as well by aliens as denizens. In the same year there is another statute, ch. 18. that all persons who have lands or possessions in Ireland, may freely import thither,

* 3 and 4 Ann. ch. 8.

† 4 Inst. 349. Matth. Paris, anno 1172. p. 121, 220. Vit H. 2. Pryn, against the 4th Inst. 76, p. 250, 252. Sir. John Davis's Hist. 71. Lord Lyttleton's Hist. of H. 2. 3 Vol. 89, 90. 7 Co. 22. 23. 4th Black. 429.

‡ Cooke's 4th Inst. 351.

and export from that kingdom *their own commodities*; and by the 50th of Edward the 3d, ch. 8. no alnage is to be paid, if frize ware, which are made in Ireland.

The reign of Edward the 4th furnishes still stronger instances of the *regard* shewn by England to the trade and manufactures of this country.

In the third year of that monarch's reign, the artificers of England complained to parliament that they were greatly impoverished and *could not live* by bringing in divers commodities and wares ready wrought *. An act passed reciting those complaints, and ordaining that no merchant born a subject of the king, denizen or stranger, or other person should bring into England or Wales any woollen cloths, &c. and enumerates many other manufactures, on pain of forfeiture; provided that all wares and "chaffers" made and wrought in Ireland or Wales, may be brought in and sold in the realm of England, as they were wont before the making of that act. †

In the next year another act ‡ passed in that kingdom, that all woollen cloth brought into England and set to sale, should be forfeited, except cloths made in Wales or Ireland.

In those reigns England was as careful of the commerce and manufactures of her ancient sister kingdom, particularly in her great staple trade, as she was of her own.

Of this attention there were further instances in the years 1468 and 1478. In two treaties concluded in those years between England and the duke of Bretagne, the merchandize to be traded in between England, Ireland and Calais on the one part, and Bretagne on the other, is specified, and woollen cloths are particularly mentioned §.

And in a treaty between Henry the 7th and the Netherlands, Ireland is included, both as to exports and imports ||.

From this time until the 15th of king Charles the 2d, which takes in a period of 167 years, the commercial constitution of Ireland was as much favoured and protected as that of England; "the free enlargement of common traffic which his majesty's subjects of Ireland enjoyed," is

* 3d Edw. 4. ch. 4.

† The part of this law which mentions that it shall be determinable at the king's pleasure, has the prohibition for its object, and does not lessen the force of the argument in favour of Ireland.

‡ 4th Edw. IV. ch. 1.

§ Anderson on Commerce, 1 Vol. 285.

|| Ib. 319

taken notice of incidentally, in an English statute, in the reign of king James the 1st* ; and in 1627 king Charles the 1st made a strong declaration in favour of the trade and manufactures of this country. By several English statutes in the reign of king Charles the 2d, an equal attention was shewn to the woollen manufactures in both kingdoms; in the 12th year of his reign † the exportation of wool, wool-felts, fuller's earth, or any kind of scowering-earth, was prohibited from both. But let the reasons, mentioned in the “ preamble, for passing this law be adverted to: “ For preventing inconveniencies and losses that happened, and that “ daily do and may happen to the kingdom of England, “ dominion of Wales, and kingdom of Ireland, through the “ secret exportation of wool out of and from the said kingdoms and dominions; and for the *better setting on work the “ poor people* and inhabitants of the kingdoms and dominions “ aforesaid, and to the intent that the full use and benefit of “ *the principal native commodities* of the same kingdom and “ dominion may come, redound, and be unto the subjects and “ inhabitants of the same.

The shipping and navigation of England and Ireland were at this time equally favoured and protected. By another act of the same year, no goods or commodities ‡ of the growth, production or manufacture of Asia, Africa or America, shall be imported into England, *Ireland* or Wales, but in ships which belong to the people of England or *Ireland*, the dominion of Wales; or the town of Berwick upon Tweed, or which are of the built of the said lands, and of which the master and three-fourths of the mariners are English; and a subsequent statute § makes the encouragement to navigation in both countries equal, by ordaining that the subjects of Ireland and of the Plantations shall be accounted English within the meaning of that clause. Another law || of the same reign shews that the navigation, commerce and woollen manufactures of both kingdoms were equally protected by the English legislature. This act lays on the same restraint as the above-mentioned act of the 12th of Charles II. and makes the transgression still more penal. It recites that wool, wool-felts, &c. are secretly exported from England and Ireland to foreign parts, to the great decay of the woollen manufactures and

* 3d James, ch. 6.

† 12th Ch. 2, ch. 32.

‡ 12 Ch. 2, ch. 18.

§ 13th and 14th Ch. 2, ch. 11.

|| 13th and 14th Ch. 2, ch. 18.

the destruction of the navigation and commerce of *these kingdoms*.

From those laws it appears that the commerce, navigation and manufactures of this country were not only favoured and protected by the English legislature, but that we had in those times the full benefit of their Plantation trade; whilst the woollen manufactures were protected and encouraged in England and Ireland, the planting of tobacco in both was prohibited, because "it was one of the main products of several " of the plantations, and upon which their welfare and subsistence do depend*." This policy was liberal, just and equal; it opened the resources, and cultivated the strength of every part of the empire.

This commercial system of Ireland was enforced by several acts of her own legislature; two statutes passed in the reign of Henry VIII. to prevent the exportation of wool, because, says the first of those laws, "it hath been the cause of dearth " of cloth, and idleness of many folks †," and "tends to the " desolation and ruin of this poor land." The second of those laws enforces the prohibition ‡ by additional penalties; it recites, "that the said beneficial law had taken little effect, but " that since the making thereof, great plenty of wool had been " conveyed out of this land, to the great and inestimable hurt, " decay and impoverishment of the King's poor subjects within " the said land; for redress whereof, and in consideration that " conveying of the wool of the growth of this land out of the " same is one of the greatest occasions of the idleness of the " people, waste, ruin and desolation of the King's cities and " borough towns, and other places of his dominion within " this land." The 11th of Elizabeth § lays duties on the exportation equal to a prohibition; and the reason given in the preamble ought to be mentioned; "That the said commodities " may be more abundantly wrought in this realm ere they shall " be so transported, than presently they are, which shall set " many now living idle on work, to the great relief and commodity of this realm ||."

By the preamble of one of those acts, made in the reign of Charles II. it appears that the sale of Irish woollen goods

* 12 Ch. 2, ch. 27.

† Ir. act, 13 H. 8, ch. 2.

‡ 28 H. 8, ch. 17.

§ Ch. 10.

|| The necessity of encouraging the people of Ireland to manufacture their own wool, appears, by divers statutes, to have been the sense of the legislature of both kingdoms for some centuries.

the decree or order made in the said cause in the court of Chancery there: whereupon a committee was appointed, to consider of the proper method of appealing from the decrees made in the court of Chancery in Ireland, and that pursuant to the order of the said committee, and a letter sent to the Lords Justices of Ireland, by order of this house, several precedents have been transmitted by the Lords Justices to this house, copies whereof were ordered to be delivered to either side: after hearing counsel upon the petition of the society of London, presented to this house the 20th of April last, praying that they might be heard, as to the jurisdiction of the house of lords in Ireland, in receiving and judging appeals from the Chancery there, as also counsel for the bishop of Derry: after due consideration of the precedents, and of what was offered by counsel thereupon; it is this day ordered, adjudged and declared, by the lords spiritual and temporal in parliament assembled, that the said appeal by the bishop of Derry, to the house of lords in Ireland, from the decree or order of the court of Chancery there made, in the cause wherein the said bishop of Derry was plaintiff, and the said society of the governors and assistants of London, of the New plantation in Ulster, in Ireland, were defendants, was *coram non iudice*; and that all the proceedings thereupon are null and void; and, that the court of Chancery in Ireland ought to proceed in the said cause, as if no such appeal had been made to the house of lords there; and if either of the said parties do find themselves aggrieved by the said decree or order of Chancery, they are at liberty to pursue their proper remedy by way of appeal to this house.

Ordered, That the Lord Chancellor do write to the lords Justices of Ireland, and send them this order.

MAL. JOHNSON, *Cler. Parli.*

REASONS against the foregoing ORDER,

By WILLIAM MOLYNEUX, Esq.*

1st. Because upon the conquest † of Ireland by Henry the II^d. he introduced the laws of England in that kingdom, and sent over the *Modus Tenendi Parliamentum in Terminis*, the

* Found in the hand writing of the author in blank leaves of one of his cases, &c. sent to the then bishop of Meath, and now in the possession of John Evans, Esq; St. Stephen's-green, Dublin.

† Mr. Molyneux here uses the word *conquest*, in compliance with the English idea of Henry's invasion, in order, we may suppose, to render his arguments more subservient to their object.

same with that of England, in which record it is said that such things may be examined and corrected, in *Pleno parlamento et non alibi*.

2dly. Because in the 20th year of king Henry the third, it was provided, that all laws and customs which are enjoyed in England, shall be also in Ireland, and that the land shall be subject thereunto and governed thereby, *sicut Dominus Johannes Rex cum ultimo esset in Hibernia statuit et fieri mandavit et quod brevia de communi jure quæ currunt in Anglia similiter currant in Hibernia*.

3dly. Because king Edward III. in the 29th year of his reign, ordained for the quiet and good government of the people in Ireland, that in all cases whatsoever, errors in judgment, in records, and proceedings in the courts of Ireland, shall be corrected and amended in parliament in Ireland.

4thly. Because it appears by other ancient records *quod terra Hiberniæ intra se omnes et omnimodas habet curias prout in Anglia*.

5thly. Because a conqueror by the laws of England and of nations, having power to introduce what laws he will in the conquered country, and king Henry II. pursuant to that power, having introduced the laws of England, and particularly that of holding parliaments in Ireland the house of lords in parliament in Ireland, may proceed to hear and determine judicially such matters as shall be brought before them, in the same manner as the lords in parliament in England.

6thly. Because pursuant to the many concessions made by king Henry II. king John, king Henry III. and other kings of England, the Lords in parliament in Ireland, have proceeded to correct and amend errors in judgment and decrees in the courts of Ireland, (as appears by the several precedents certified over to your lordships) and their judgments never before this called in question, many of them being very irregular. It is therefore presumed to have been by a good and lawful jurisdiction, otherwise they would have been by our ancestors (who were zealous assertors of their rights) long before this called in question.

7thly. The order declaring the appeal was *coram non judice*, and null and void, will call all other judgments and decrees in question, under which many estates have been purchased, settled, and enjoyed, which will be of fatal consequence to many families, and create great discontent and dissatisfaction in that kingdom.

8thly. Because the declaring the said appeal to be *coram non judice*, and null and void, strikes at and tends to the destruction

tion of the jurisdiction of this house, for Ireland having *omnes et omnimodus curias prout in Anglia*, must include the high court of parliament, and if their high court of parliament, being an exact picture of the high court of parliament in England, cannot judicially hear and determine appeals, writs of error, and impeachments, it may from thence be alleged that this here cannot.

9thly. Because this resolution strikes at and tends to abridge the king's prerogative in Ireland; all appeals and writs of error in parliament being *coram rege in parlamento*, and therefore these words *coram non iudice* takes from the king the judicial power which is given to him there.

10thly. Because the peers of Ireland have little else left them beside their judicature, which if taken away, they will be of little esteem there, and many of the peers of England have some of their titles of honour from that kingdom.

11thly. Because it is the glory of the English laws, and the blessing attending Englishmen, that they have justice administered at their doors, and not to be drawn as formerly to Rome, by appeals which greatly impoverished the nation; and by this order the people of Ireland must be drawn from Ireland hither, whensoever they receive any injustice from the Chancery there, by which means poor men must be trampled upon, not being able to come over to seek for justice.

12thly. The danger of altering, changing, or lessening a constitution, for above five hundred years unshaken, or so much as called in question in any one thing, (the custom and usage of courts being the law of courts) may occasion the destruction of the whole, for the judicial power of the house of peers in Ireland, in criminal causes by way of impeachment or otherwise, may by the same reason be called in question, as their judicature in civil causes, which will encourage evil disposed men, especially those in employment in that kingdom (who are generally very arbitrary) to act wickedly; and the better we preserve the constitution of Ireland, and of those plantations dependant on England, the better we shall preserve our own; and they will be barriers to ours, to prevent any invasion of theirs; and since the Kings of England have in all times in matters relating to their revenue, their grants by letters patent, and their ministers not only empowered the parliament of Ireland to hear, correct, reform and amend them, but also acquiesced in their judgment, it ought not now to be questioned.

13thly.

13thly. Because this taking away the jurisdiction of the lords house in Ireland, may be a means to disquiet the lords there, and disappoint the king's affairs.

14thly. Because the judicial power of the house of peers in Ireland is in no respect altered by an act of parliament, the statute of the 10th of Henry 7, c. 4, called Poyning's law, only directs a new form of passing bills into laws, but alters nothing of the judicial power, and their argument of their having the interpretation of all laws by a judicial power being allowed them, will enable them to make the laws what they please, will as well hold against the jurisdiction of this house, which ought not to be suffered.

Protest of the Irish Lords on the preceding Order.

Die Veneris 11^o Februarii, 1703^o

P R E S E N T.

Lord Chancellor, Speaker.

Lords Spiritual.

Lord Archbp. of Armagh,	Lord Bishop of Killalla,
Lord Archbp. of Dublin,	Lord Bishop of Ossery,
Lord Archbp. of Cashel,	Lord Bishop of Lromore,
Lord Archbp. of Tuam,	Lord Bishop of Clogher,
Lord Bishop of Meath,	Lord Bishop of Limerick,
Lord Bishop of Kildare,	Lord Bishop of Killalo,
Lord Bishop of Kilmore,	Lord Bishop of Raphoe,
Lord Bishop of Ferns,	Lord Bishop of Downe,
Lord Bishop of Clonsfert,	Lord Bishop of Cork.

Lords Temporal.

Earl of Roscommon,	Lord Visc. Dungannon,
Earl of Londonderry,	Lord Visc. Charlemont,
Earl of Meath,	Lord Visc. Powercourt,
Earl of Cavan,	Lord Visc. Laneshorough,
Earl of Inchiquin,	P. Pr. Ld. Visc. Mountjoy,
Earl of Mount Alexander,	Lord Visc. Strabane,
Earl of Longford,	Lord Visc. Doneraile,
Lord Visc. Ely,	Lord Baron of Kerry,
Lord Visc. Skerrin,	Lord Baron of Santry,
Lord Visc. Massareene,	Lord Baron of Shelburne.

Ordered on motion, That the petition of Edward earl of Meath, and Cecilia Countess of Meath, his wife, be read.

Read accordingly.

Ordered on motion, That the clerk of the rolls, do bring into this house, the roll of the acts of parliament of the 38th of Henry VI.

Resolved

Resolved on the question *nem cou.* That by the ancient and known laws and statutes of this kingdom, her majesty hath an undoubted jurisdiction and prerogative in this her high court of parliament, in all appeals and causes within this her majesty's realm of Ireland.

Resolved on the question *nem con.* That the determinations and judgments of this high court of parliament are final and conclusive, and cannot be reversed or set aside by any other court whatsoever.

Resolved on the question *nem con.* That if any subject or resident within this kingdom, shall hereafter presume to remove any cause determined in this high court of parliament, to any other court, such person or persons, shall be deemed betrayers of her majesty's prerogative and jurisdiction, and the undoubted ancient rights and privileges of this house, and of the rights and liberties of the subjects of this kingdom.

Resolved on the question *nem con.* That if any subject or resident within this kingdom, shall presume to put in execution any order from any other court, contrary to the final judgment and determination of this high court of parliament, such person or persons, shall be deemed betrayers of her majesty's prerogative and jurisdiction, and the undoubted ancient rights and privileges of this house, and of the rights and liberties of the subjects of this kingdom, &c.

In the Irish House of Lords, in the year 1703, upon the petition of Edward, then earl of Meath, and Cecilia, countess of Meath, his wife, against the lord Ward, complaining of their having been dispossessed of certain lands in the county of Tipperary, under a pretended order of the house of lords of Great Britain; we find the lords of Ireland*, unanimously adopt the resolutions on the foregoing appeal, in 1698.

On the 12th day of February, 1703, their lordships made the following order:

Whereas, upon hearing the complaint of the right hon. Edward, earl of Meath, and Cecilia, countess of Meath, his wife, exhibited to this house on the 19th of October last, it has appeared upon full proof, that they have been illegally dispossessed of the lands of part of Rochestown, Corruta, Loughloughery, Keating, Milfield, Richardson alias Riches-town, Cloughnecody, Ardfinane and Faren-English, Rathcordane and Grumgill, Gortneerannah, Drumtrafney, Kilmemaun, Gurtinebamagh, and Garriglish, all lying and being

* Jour. House of Lords, fol. 52.

in the county of Tipperary, the actual possession whereof was given them, pursuant to an order of this house, dated the 29th of October 1695: We the lords spiritual and temporal in parliament assembled, this 12th day of Feb. 1703, do order, require, and command the Sheriff of the said county of Tipperary, for the time being, forthwith to put the said earl and countess of Meath into the actual, quiet and peaceable possession of all the aforesaid lands and premises, as he will answer the contrary at his peril.

From this period until the year 1717, we find the house of Lords of Great Britain did not attempt to interfere with the rights and privileges of the lords and people of this kingdom.

But about the year 1717, that house thought proper once more to endeavour the establishment of their usurped authority, and accordingly entertained an appeal from Maurice Annesly, Esq; against a decision of the lords of Ireland, reversed their decree, and ordered the sheriff of the county of Kildare to restore to Mr. Annesley the possession of certain lands, of which he had been dispossessed by the order of the Irish Lords.

And to enforce this order, the British lords had recourse to the authority of the Barons of the court of Exchequer here, who ordered the Sheriff of Kildare to restore Mr. Annesley to the possession of his lands, according to the order of the Lords of Great Britain.

The sheriff (Alexander Burrowes, Esq;) Hampden-like, refused obedience to this illegal order: the barons endeavoured to enforce it by the imposition of heavy fines; whereupon he petitioned the Irish Lords for relief, which having been referred to a committee of the house, they, on the 28th July, 1719, made the following report, and entered into the following resolutions and proceedings*.

On the 17th of October, 1719, the house proceeded on the order of the day, for reading the representation to his majesty of the proceedings of the house upon the petition of Alex. Burrowes, Esq; in the cause of Sherlock and Annesley†.

And the said representation was read, and agreed to by the house, and is as follows, viz.

To the King's most excellent Majesty.

The humble representation of the Lords spiritual and temporal in Parliament assembled.

* Lords Journals, Vol. II. fol. 621 to 625.

† Ib. 654.

Most gracious Sovereign,

IT is with the greatest concern that we, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal in parliament assembled, do find ourselves under a necessity of making this our humble representation to your Majesty.

It evidently appears, by many antient records, and sundry acts of parliament passed in this kingdom, and particularly by one in the 11th of Queen Eliz. intituled, "An act for attainder of Shane O'Neil, &c." that the kings, with all the princes and men of value of the land, did, of their own good wills, and without any war or chivalry, submit themselves to your Majesty's royal ancestor, King Henry II. took oaths of fidelity to him, and became his liege subjects, who (as it is asserted by the Lord Chief Justice Coke and others *) did ordain and command, at the instance of the Irish, that "such laws as he had in England, should be of force and observed in Ireland." By this agreement the people of Ireland obtained the benefit of the English laws, and many privileges, particularly that of having a distinct parliament here, as in England †, and of having weighty and momentous matters, relating to this kingdom, treated of, discussed and determined in the said parliament.

This concession and compact thus made, and afterwards, by succeeding kings, confirmed to the people of this land, in process of time, proved a great encouragement to many of the English to come over and settle themselves in Ireland, where they were to enjoy the same laws and liberties, and live under the like constitution as they had formerly done in the kingdom of England ‡; which, thro' God's good providence, has proved a means of securing this kingdom to the crown of England, and we trust will do so to all futurity. By this happy constitution, and these privileges by us for so

* Coke, 4th Inst. p. 349. Matt. Paris, anno 1172, p. 105.

† lb. 350.

‡ Pryn, on 4th Inst. p. 287. Anno 31 Ed. III.

"Rex Justic. &c. Cancellar. suis Hibern. salutem, &c.—Item volumus
" & precipimus quod nostra & ipsius terræ negotia præsertim majora
" & ardua in consiliis perperitos consiliarios nostros ac prælatos, & mag-
" nates, & quosdam de discretioribus et probrioribus hominibus de par-
" tibus vicinis, ubi ipsa consilia teneri contigerit propter hoc evocandos.
" In parliamentis vero, per ipsos consiliarios nostros ac prælatos, & pro-
" ceres aliosque de terra prædicta prout nos exigit secundum justitiam,
" legem, consuetu & dinem rationem tranſeuntur, deducantur, & fide-
" liter, timore, favore, odio aut pretio, post positis discutiantur & etiam
" terminentur."

many years enjoyed, the English subjects of this kingdom have been enabled faithfully to discharge their duty to the crown of England, and vigorously set themselves, upon all occasions, to assert the rights thereof, against all the rebellions which have been raised by the Irish enemies. And therefore, we, your Majesty's loyal subjects, do, with all submission to your Majesty, *insist* upon them, and hope, through your Majesty's goodness, to have them preserved inviolable.

And we beg leave to represent to your Majesty, that though the imperial crown of this realm was formerly inseparably annexed to the imperial crown of England, and is now to that of Great-Britain *, yet this kingdom being of itself a distinct dominion, and no part of the kingdom of England, none can determine concerning the affairs thereof, unless authorized thereto, by the known laws and customs of this kingdom, or by the express consent of the king †.

And as your royal ancestors have always enjoyed the right and power of determining all matters that related only to this kingdom, by their royal authority, in their parliaments held here, so we humbly hope your Majesty will always look on this right as a most valuable jewel of your crown, which none should presume to touch without your Majesty's consent: and that your Majesty will graciously allow us to represent it, as an invasion of your prerogative, and a grievance to your loyal subjects in this kingdom, that any court of judicature should take upon them to declare, that your Majesty cannot determine all controversies between your subjects of this kingdom, and about matters relating wholly to the same, by your royal authority, in your parliament summoned to meet here; or that your subjects of Ireland appealing to your Majesty in your parliament in Ireland, in matters wholly relating to this kingdom, do bring their cause before an incompetent judicature.

We have (may it please your sacred Majesty) endeavoured with our utmost care, to enquire into the grounds of all such appeals or removals of causes from this kingdom, as have at any time been made into England, and are persuaded that such usages have been introduced by slow degrees, at first the judges here being to determine the causes that came before them by the common laws of England, and sometimes not knowing well the usages there, applied to Henry III ‡,

* Anno 2 Eliz. p. 214, c. 5. c. 7. p. 218.

† Coke, 4th Inst. p. 350.

‡ 14th Henry III. stat. Hibern. made at Westminster.

their then king, for information, who gave them an account what the common law and custom of England in like cases was, and this undoubtedly by the advice of the Justices of the King's Bench, who then were obliged to attend the King wherever he should be *; and in process of time, when his successors had settled the court of King's Bench after another manner, and had forborne to sit there themselves in person, the application which formerly used to be made to the King who presided in that court, came of course to be brought before the Justices of the court, although the King was not there personally present. And this, as we conceive, gave rise to that custom of removing causes, by writs of error, from the King's Bench in Ireland to the King's Bench in England; but from hence to infer, that therefore appeals from the Parliament of Ireland may be brought before the House of Peers in England or Great-Britain, is a consequence for which there appears to be no manner of ground.

As for the practice of appealing from the High Court of Chancery in Ireland to the Lords of Great Britain, we can find but two precedents of such appeals before the late happy Revolution, one in 1670, and the other in 1679; and we can account for them no otherwise than by observing, that they happened at a juncture when no opposition could be given them from this kingdom, because through the prevalence of a Popish interest, no parliament had been held here for some years before, nor were we then in any likelihood of having any called here for many years to come; nor can we find, that any like subsequent appeals from that court have any other foundation than those two precedents.

And such appeals (though they had been of longer standing, and better founded) yet were never supposed to preclude the King's Majesty from his right of giving redress to his subjects of Ireland in his parliament, when assembled here, any more than writs of error to the King's Bench in England had hindered the like writs from being returnable in the parliament here.

And accordingly when, by God's blessing on the late happy Revolution, this kingdom came to have a parliament, after twenty-six years intermission, complaints were heard, writs of error and appeals were received, and proper orders were made thereon as formerly; nor were they, as far as we can find, ever questioned, or their validity doubted, till the year 1699, when two appeals from the parliament here were carried be-

fore the Lords in England, though no pleadings to the jurisdiction of the parliament of Ireland had been offered or mentioned by either party, on hearing the said causes here.

And though the parliament of Ireland could not then interpose, or any way assert their jurisdiction, because it was not fitting, yet the Lords of England declared the said causes to be *Coram non Judice*, and without hearing the merits of the causes, reversed the decrees that had been made here.

Upon which occasion, we cannot but observe, that the parliament of Ireland (as the constitution thereof has been for some hundreds of years) being convened by the same authority and writs of summons, and consisting of like members and distinct Houses of Peers and Commons, and the former having the same assistance and attendance from the Judges of the several courts and Masters of Chancery as in England or Great Britain, either some record, act of parliament, or ancient usage must be shewn, whereby to make a difference (which has never yet been attempted) or else, from our very constitution it must, as we conceive, appear, that whatever power of judicature is lodged in the English or British parliament, with respect to that kingdom and its inferior courts, the same must also be allowed to be in the parliament of Ireland, with like respect to the kingdom and courts thereof. And if it be looked upon as illegal for any inferior court in Great Britain to act in direct opposition to, or contempt of the orders and decrees of the House of Lords in parliament there assembled, the same must also be concluded upon the like opposition given, or contempt shewn, to such parliamentary orders and decrees, as are or shall be made within this kingdom.

And therefore, in the year 1703, when a parliament of Ireland met on a complaint of Edward, Earl of Meath, and Cecilia, Countess of Meath, his wife, setting forth, that during the interval of parliament they had, by order of the Lords in England, been dispossessed of the lands that had been here decreed them, the said parliament *unanimously* restored the said Earl and Countess to the lands they had been so dispossessed of so effectually, that neither they nor their heirs have been disturbed in the possession of them.

And we may very justly conclude, from the strong resolutions in which the parliament here did on that occasion assert their jurisdiction, that they would have proceeded as effectually in vindicating the decree on the other appeal, if the removal of the Lord Bishop of Derry, the appellant here, and a composition

position made by his successor with the Irish society of Londonderry, the appellants in England, had not prevented it.

After the time of those two appeals, several writs of error and appeals were brought into your parliament in this kingdom, and among them an appeal wherein Maurice Annesley, Esq; was respondent, which were determined, and the judgment given on them took effect accordingly. But the same Maurice Annesley being respondent in an appeal brought lately from the Chancery of the Exchequer, before the parliament of Ireland, by Hester Sherlock, appellant, after having appeared to the jurisdiction here, appealed to the Lords of Great Britain, from a decree made here in justice to the appellant Hester Sherlock, and found such countenance there, as has given your loyal subjects just reason to complain of much injury done both to your Majesty's prerogative and their privileges.

For it having (after a full and fair hearing) been decreed in your Majesty's parliament of Ireland, and accordingly ordered, that the appellant, Hester Sherlock, should be put into possession of certain lands in the said order named, until she should receive thereout a certain sum of money to her decreed, to be due and chargeable on the said lands. And the said decree and order having accordingly been obeyed, and put in execution by the then High Sheriff of the county of Kildare, to whom the said order was directed; and the said Hester Sherlock being accordingly in the actual possession of the said lands, the Lord Chief Baron, together with the other Barons of your Majesty's court of Exchequer in this kingdom, have taken upon them, in an illegal and unprecedented manner, to cause the said Hester Sherlock to be dispossessed of the said lands, and to lay several great fines upon the late High Sheriff of the said county of Kildare, for refusing to give obedience unto the orders of them, the said Barons, in that case issued, although their said orders were manifestly contrary to the laws, customs, and antient usages, of this your Majesty's kingdom, as well as to the above-mentioned resolutions formerly made in the case of the late Earl of Meath, and continuing upon record in the journals of parliament, of which resolutions, as well as of the several resolutions and decrees in like manner made upon the appeal of the said Hester Sherlock, the said Barons had sufficient and timely notice before the issuing of any of their above-mentioned illegal orders, as in a report of this whole proceeding, now also entered in the Journals of parliament (a copy where-

of we herewith humbly lay before your Majesty) may more fully and at large appear.

Hereupon we humbly crave leave to represent unto your Majesty, that although appeals from the courts of equity in this kingdom to the Lords of England or Great Britain, are but a very late practice, (as we have already set forth); yet in all such cases, it has been the constant and received practice here, that no copy of any order of the said Lords was ever allowed, or demanded to be allowed, as authentic in any such court, except the same were expressly directed unto the court which was to put the same in execution, and proved by a witness *viva voce*, upon oath, to be a true copy of the original order. Nor does it appear, that any such court ever claimed, or pretended to any authority, to supply any defects supposed at any time to be in any such order, or by virtue of such order in the least to go beyond what expressly and in words was in such order contained. And yet so it is, that although the only pretence of the said Barons for these their illegal proceedings, is grounded upon certain copies of orders, or pretended orders, from the Lords of Great Britain, yet neither were the said orders, or any of them, directed to the Court of Equity or Chancery-side of the Exchequer, (where the cause originally lay, and from whence the appeal was) but only to the Lord Chief Baron and other Barons, which is the stile of the common law-side thereof; nor were the said copies, or any of them, in manner aforesaid proved to agree with the original orders; neither were the names of any lands, or so much as of any county, inserted in the said copies, or any of them. And yet notwithstanding all these notorious defects and nullities of the said pretended orders, the said Barons have proceeded not only in their own names, to whom the said pretended orders were directed, but also in the names of the Chancellor and Treasurer of the court of Exchequer, (to whom the said orders were no way directed) to issue forth several injunctions and orders, and therein, without any warrant for so doing, to insert the names of lands, and of the county wherein they are supposed to lie, in order to dispossess the said Hester Sherlock of lands whereof she had been put into possession, as is herein above-mentioned.

And that your Majesty may be yet more fully apprised of the arbitrariness as well as the illegality of the proceedings of the said Barons, We further, in all humble manner, lay before your Majesty, that whereas, amongst other rules of practice in all your Majesty's courts throughout this your kingdom,

dom, by ancient law and custom established, it is universally received, that every order or other rule of court ought to be made upon the motion of some Counsel or Attorney, or other person by law or custom allowed to make such motion; that no injunction or writ, ought to issue out of any of your Majesty's courts, (except in the crown's cause) without the name of a Six Clerk or Attorney, thereunto subscribed, who is to be accountable unto every person, who through any undue practice of his, shall be aggrieved by such writ or injunction), and that no proceedings shall be grounded upon any written affidavit, which is known to be either false, or defective in any material part thereof, (except such defect be first supplied or falsity expunged), the said Barons in these their proceedings, have acted in open violation of these, as well as other rules, which by the law they ought to have observed and strictly kept to. The Barons having ordered an injunction to issue for the dispossessing of the said Hester Sherlock, without any motion for the same made either by Counsel or Attorney, or by any other person, except what was offered in court by the said Lord Chief Baron himself; the said injunction, also, having no name of any Attorney thereunto affixed or subscribed; and the affidavit of John Annesley (upon which the said Barons afterwards proceeded to fine the said late High Sheriff) having several notorious falsities in it, of which, though the said Barons were publicly advertised at the time when the said affidavit was read in open court, yet, they took on them to act thereupon, without causing the same to be rectified, or the said falsities to be expunged or altered.

And, although the said orders from the Lords in Great Britain expressly required no more, but that Maurice Annesley should be restored to the possession of those lands, of which the said Maurice was dispossessed, pending the appeal before the said house; yet, the said Barons in their said injunction, not only ordered possession of certain lands by name, to be given to the said Annesley, as is already mentioned, but also, grounded this their injunction upon an affidavit, wherein it is not so much as alledged that the said Maurice was at all possessed or dispossessed of any lands whatsoever pending the said appeal.

And whereas it is the duty of the Barons of your Majesty's Court of Exchequer in this kingdom, and a part of the oath by each of them taken at their entrance upon their said office,
 " That where they may know any wrong or prejudice to be
 " done to the King, they shall put and do all their diligence
 " that

“ that to redress. And if they may not do it, they shall
“ tell it to the king, or them of his council, or to the King’s
“ Majesty’s Lieutenant, or other Chief Governor or Gover-
“ nors of this Realm for the time being.” So far have the
said Barons in the present case been from doing all their dili-
gence to redress the wrong or prejudice done to your Ma-
jesty’s prerogative, of finally determining in your parliament
here, matters relating wholly to this your kingdom, that
they seem to have acted with great diligence and zeal in direct
opposition thereto, and to have taken such measures as will,
in effect, establish a jurisdiction superior to that which your
Majesty undoubtedly has in your High Court of Parliament
in this kingdom; nor does it in the least appear, or is it at all
pretended, that the said Barons, or any of them, during all
the abovementioned proceedings, did ever tell, or make known
the same, either to your Majesty’s Lieutenant, or other Chief
Governor or Governors, or to your Majesty’s Privy Council,
who, if they had been timely acquainted therewith, might
(according to their duty) have made the same known to your
Majesty, or otherwise have done what was fit and proper for
the supporting your Majesty’s royal prerogative, and defend-
ing the just rights and privileges of this your Parliament and
People.

And here we beg leave to lay before your Majesty some of
the many evil consequences which we apprehend must neces-
sarily follow from such exorbitant practices as these, if a timely,
and effectual stop be not put to them.

It is the right and happiness of the subjects of this king-
dom, as well as of those of Great Britain, that by their respec-
tive constitutions, the administration of justice is near at
hand, and within the kingdom wherein they belong. So
that if any of your Majesty’s liege people are at any time
wronged or oppressed in any of the courts of law or equity,
they may, without any great trouble or expence, have recourse
to your Majesty, in your high Court of Parliament, where
they may assure themselves of speedy redress. But if this
your Majesty’s Highest Court within this kingdom is deprived
of the power of finally determining the causes which come
before them, all such of your subjects as do not abound in
wealth, and thereby are not able to follow their causes, or
bear the expence of them in Great Britain, will be under a
perpetual necessity of sitting down with the greatest wrong or
oppression which at any time, under the colour of justice, or
by the management of rich and potent adversaries may be
laid upon them, which (considering the poverty that every
where

where prevails throughout this kingdom) must, if not prevented in a short time, become a most grievous and intolerable evil. And your Majesty's royal predecessor, Edward the III. was so sensible of the hardships that his loyal subjects of this kingdom suffered for want of having a means of reversing erroneous judgments within this kingdom, that by his Charter, dated August 30th, in the 29th year of his reign, on the complaint of his subjects of Ireland, " he commanded all his Judges and Ministers before whom any processes should be held at the prosecution of the parties aggrieved, to return the Rolls of the Records, and processes into the Parliaments to be held in the kingdom of Ireland, and that the Records and Processes should be recited and examined, and the errors (if any should be found in them) duly corrected. *

It is, under God, the great security of this your Majesty's kingdom of Ireland, that by the laws and statutes thereof, the same is annexed and united to the Imperial Crown of England, and declared to be depending upon, and for ever

* Pryn, on 4th Inst. pag. 286. Anno 29 Edw. III. " Edwardus Dei gratia, &c. Ex parte non nullorum fidelium nostrorum communitatis terræ nostræ Hiberniæ : nobis est graviter conquerendo monstratum ut cum ipsi damna & gravamina quam plurima a magno tempore sustinuerint ex hoc ; et etiam ex hoc, quod errores qui in Recordis & Processibus placitorum nec in Parliamentis in eadem terra corrigi nequeunt, nec alias justitia inde fieri sine remedia in Anglia quærendo propter quod quidem propter labores & expensas circa præmissa appostas ad maximam miseriam & inopiam deducuntur ; & quidam omnino ex hæredati existunt, per quod pro quiete & indemnitate populi nostri in terra prædicta, sub nostro regimine existentis cui in exhibitione justitiæ sumus debitores : Ordinamus quod, &c. et quod ad prosecutionem omnium & singulorum qui conqueri voluerint errores in Recordis & Processibus coram aliquibus justic. seu aliis ministris prædictis habitis intervenisse Rotuli eorundem Recordorum & Processuum in Parliamentis nostris in eadem terra tenend. per justic. seu ministros coram quibus Recordis & Processus illa fuerint deferantur & ibidem eadem Recordis & Processus diligenter recitentur & examinentur ; & errores, si quos in eisdem inveniri contigerit debite corrigantur ; & ideo vobis mandamus quod ordinationem prædictam in terra nostra prædicta teneri & partibus conquerentibus plenam & celerem justitiam fieri fac. in forma prædicta quibuscunque mandatis vobis aut aliis in terra prædicta ante hæc tempora in contrarium directis non obstantibus ita quod aliquis materiam non habeat nobis pro defectu justitiæ super casibus prædictis de cætero conquerendi. Teste apud Westminster, 30 die Augusti."

It appears from the latter end of this Record, that the original power of Parliaments in Ireland, settled by King Henry the Second, (as is above set forth) had afterwards been restrained, as to writs of error, by some subsequent Mandates of the Kings of England, which Mandates are hereby recalled and made void.

belonging

belonging to the same: but if all judgments, decrees, and determinations made in this your Majesty's High Court, within this your kingdom, are subject to be nulled and reversed by the Lords in Great Britain, the liberties and properties of all your subjects of Ireland must thereby become finally dependant on the British Peers, to the great diminution of that dependence which by law we always ought to have immediately upon the Crown itself.

That your Majesty has, by the constitution of this your realm of Ireland, the full power of judging and determining all causes that belong to it alone in Pleno Parlamento, is what no man hitherto has ventured openly to deny or doubt of.

But if in all cases that relate to this kingdom, the *dernier resort*, (as some of late have affected to speak) ought to be to the House of Lords in Great Britain, however this your Majesty's power may still in words be acknowledged, the force and effect of it is in reality taken away and wholly vested in the British Peers.

And we cannot but observe, with the utmost concern, that by this practice of the Peers of Great Britain, just and unjust causes will meet with equal encouragement. For however rightly such causes may be determined in Parliament here, the decrees will be annulled and reversed by the Peers of Great Britain, without hearing or entering into the merits of the cause, upon pretence that the proceedings were *Coram non Judice*.

The writs for summoning the Lords spiritual and temporal, and electing the Commons to assemble in parliament here, being the very same with those in England or Great-Britain, as has been before observed, either the respective powers in each kingdom must still be the same, or else the Peerage of this your Majesty's kingdom must remain little more than an empty title, and the Commons thereof stand for ever deprived of that most valuable privilege of impeaching in parliament, which cannot possibly be maintained if there be no such thing as a parliamentary judicature within this realm; and if the power of the judicature may, by a vote of the British Lords, be taken away from the Parliament of Ireland, no reason can be given why the same may not, in like manner, deprive us of the benefit of our whole constitution.

It is notorious, that the Lords of Great Britain have not, in themselves, either by law or custom, any way of putting their decrees in execution within this kingdom, of which they

have given most undoubted evidence by their late application to your Majesty, to cause such their decrees to be executed by an extraordinary interposition of your royal power. And should your Majesty think fit to yield to this their desire, we humbly presume to think it would highly affect the liberty of your Majesty's loyal subjects of this kingdom.

In order to prevent the appellant, Hester Sherlock, above-mentioned, from making any further application to your Parliament here, your Majesty's Deputy-receiver, John Pratt, Esq; thought fit to pay above £1800 to the said Hester Sherlock, which, on examination, he alleged to be his own money; and that he made an agreement with the said Hester, of himself, without any order from any person whatsoever; but that from some conversation which he had with persons of judgment, he thought he had reason to hope and expect, that since what he had done was for the public good, the government would not permit him to be a sufferer. What particular grounds the said John Pratt had thus to hope and expect, has not as yet been made known to us. But if such hopes and expectations as these are from time to time to be satisfied, we leave your Majesty, in your royal wisdom, to judge what the evil consequences thereof may be.

And we farther humbly represent to your Majesty, that these proceedings of the Lords of England have greatly embarrassed your Parliament, and disquieted the generality of your most loyal Protestant subjects of this your kingdom, and must, of necessity, bring all sheriffs and officers of justice under great hardships, by reason of the clashing of different jurisdictions. Nor can we but with grief observe, that whilst many of the Peers and commons who sat in Parliament were Papists, their judicature was never questioned; but of late, since only Protestants are qualified to have a share in the legislature, their power, and the right of hearing causes in Parliament, hath been denied, to the great discouragement and weakening of the Protestant interest in Ireland.

And having thus, with all humility, laid before your Majesty your undoubted power and prerogative within this your kingdom of Ireland, the immediate dependence of the same upon your Majesty's crown, the right your Majesty has to hold Parliaments here, as in Great-Britain, and of finally determining therein all matters that wholly relate to this realm, together with the great incroachments that of late have been made upon your Majesty's prerogative, and the rights of this your Parliament, and the illegal unprecedented proceedings
of

of the Lord Chief Baron, and the other Barons of your Majesty's Court of Exchequer, whereby they have endeavoured to support those encroachments with the evil consequences of such proceedings, in case that a speedy and effectual stop be not thereunto put. We most humbly hope, that all these things being duly considered and weighed with your Majesty's usual wisdom, will abundantly justify us in the methods we have taken, as well for the supporting of your Majesty's royal prerogative, as the preservation of the just rights and liberties of ourselves and our fellow subjects, as the same are set forth in the several resolutions we have come to, (a copy whereof we have hereunto annexed,) with all humility assuring your Majesty, that no difficulties which we may be laid under, shall hinder us from giving the utmost dispatch to all your Majesty's affairs, or from most cheerfully demonstrating that loyalty and affection to your Majesty's person, and attachment to your interest, which becomes your Majesty's dutiful and obedient subjects, whereof we again, from our hearts, make an humble tender to your most sacred Majesty.

Resolved, That a committee be appointed to draw up an humble Address to his Grace the Lord Lieutenant, to desire his Grace to lay the said Representation before his Majesty, in the best and most effectual manner.

The Declaratory Act of the 6th of George I. was formed in consequence of these appeals, which statute expressly declares, "That the kingdom of Ireland hath been, is, and of right ought to be, subordinate unto and dependent upon the imperial crown of Great Britain, as being inseparately united and annexed thereunto, and that the King, with the consent of the Lords and Commons of Great Britain in parliament assembled, hath power to make laws of sufficient force to bind the kingdom and people of Ireland.

"And that the House of Lords of Ireland have not, nor ought of right to have, any jurisdiction to judge of, affirm, or reverse any judgment or decree made in any court within the said kingdom; and that all proceedings before the said House of Lords upon any such judgment or decree, are void."



It is presumed that no political casuist, after a view of the foregoing pages, will affect to talk of England's title to Ireland by *conquest*.

The titles of the Kings of England to this kingdom appear to have been very precarious, even to Henry VIII. as the very act which constitutes him King of Ireland, expressly

prefly says "That the Irishmen and inhabitants of this realm of Ireland, have not bene so obedient to the Kings highnesse and his most noble progenitors, and to their lawes, as they of right and according to their allegiance and bounden duties ought to have been*. Wherefore at the humble pursuit, &c." Besides, what are all the papers in Bermingham and London Tower, but attempts to sooth, soften, bribe and tame, by indulgence and art, the spirit of Irish independence? What parties, divisions, hatred, and animosities among the clergy! sometimes acknowledging the power of the King, sometimes the Pope's, and at others disavowing both! one time fomenting insurrections, and at others attempting to quell them. Pryn has preserved us a number of these transactions †, horrid picture of ecclesiastical tyranny, from which we are now, thank heaven, happily delivered! horrid picture of the ministers of that gospel, *which preaches peace on earth, and good will to all men!* pious ministers, indeed! whose feet, instead of being shod with the preparation of the gospel of peace, were rather swift to shed blood!

Richard II. in person invaded this kingdom, for the purpose of subjugating it: Howes gives us the number of his forces, and the lines following their fate.

Richard was at length prevailed on to march against the enemy commanded by Art. Mac-Murchad, who, notwithstanding the pensions he had received, and the submissions he had lately made, was still the inveterate enemy of the English; and in the violence of national pride, enflamed by the

* The following anecdote shews the high ideas entertained by the Irish dynasts, of their own independence and dignity.

Mac-Gillpatrick, the Irish chieftain of Ossory, had received some injury from the earl of Ormond, or at least found some pretence of complaint against the present deputy, better known among the Irish by the name of *Piers the Red*. In all the dignity of offended grandeur, he determined to apply to the king of England for redress; but not with the humility of a suppliant or a subject. His ambassador was sent to the court of England to obtain justice, or else to denounce the vengeance of an injured potentate. He appeared at the chapel door, when the king was going to his devotions, and advancing with a composed undismayed gravity of deportment, delivered his commission in these words—"Sta pedibus! Domine Rex! Dominus meus Gillapatricius me misit ad te jussit dicere, quod si non vis castigare Petrum Rufum, ipse faciet bellum contra te." Stand on your feet! lord King! my lord Gillpatrick has sent me to tell you, that if you do not chastise Peter Rufus, he himself will make war against you.

† II Vol. Eccl. Jur. p. 372, 373, 378, 382, 393, 397, 422, 423, 458, 474, 475, 480, 481, 482, 559, 603, 616, 632, 633, 634, 635, 690, 719, 735, 756, 768, 784, 807, 808, 810, 827, 828, 857, 858, 859, 957, 939, 956, 990, &c. &c.

prospect of success, vowed the most desperate vengeance against his invaders. To secure himself from the superiour numbers of the enemy he retired to his woods; and at their approach, appeared at the head of three thousand men so well armed and appointed, and with such an appearance of determined valour, as were perfectly astonishing to the English, who had been taught to despise their rude and undisciplined violence. The royal army was drawn out in order of battle, expecting a vigorous attack; but the Irish forces, who thought of nothing less than a regular engagement in the field, suddenly disappeared; and Richard, elevated by this retreat, ordered the adjacent villages and houses to be set on fire, and the royal standard to be advanced, under which he created several knights, and among these the young Lord Henry the fifth, who on this occasion gave the first proofs of his distinguished valour.

To facilitate the pursuit of an enemy who appeared to fly, a large body of peasants was employed to open a passage through the woods, which the Irish had by every means endeavoured to render impassable. As the king's army marched through all the difficulties of an encumbered road, perpetually impeded, and sometimes plunged into deep and dangerous morasses, the enemy frequently assailed them with loud and barbarous ululations; cast their darts with such force as no armour could withstand, slaughtered their detached parties, retired, and advanced with astonishing agility, so as continually to annoy and harass the English forces, though they could not be brought to a general engagement. Some of the Irish lords, less penetrating than their subtle chieftain, and among those his uncle, were indeed terrified by the numbers of the king's forces, and with all the marks of humiliation submitted to Richard. They appeared before him with halters round their necks, fell at his feet, imploring peace and forgiveness, and were graciously received. Art Mac-Murchad was summoned to make the like submissions; and, to prevail upon him to accept of grace, and return to his allegiance, Richard was weak enough to promise large rewards, territories, and castles in Leinster. The Irishman, who well knew the difficulties to which the King's army was reduced, and the impossibility of their subsisting for any time in their present situation, returned a haughty answer of defiance, and declared his resolution of opposing the King of England to the utmost. Richard had the mortification to find, that the distress of his soldiery, which had encouraged the adversary to this insolence, could

could no longer be concealed, and every day grew more intolerable. Numbers of his men perished by famine; their horses, from want and severity, grew incapable of service; a general gloom spread through his camp, and his bravest Knights murmured at their fate, who were to perish in a service attended with so little honour, and such severe distress. A few ships laden with provisions from Dublin having landed on the neighbouring coast, the famished soldiers plunged into the sea, seized and rifled them, shedding each others blood in a furious contest for relief. The necessity of decamping was too apparent, and too urgent to admit of the least delay. Richard, with his numerous forces, was compelled to retire before an inconsiderable band of enemies whom he had despised, who pursued, and incessantly harrassed him in his retreat*.

It is universally acknowledged, that no prince ever brought into this kingdom such an army as Richard II. for reducing it, and we see he did not succeed therein †.

After reading this account, I know not how it can be said that the Irish chieftains submitted to Henry II. ‡ through fear, an affection they appear not to be much influenced by; the most probable causes for this transaction was pride, malice, and, above all, the hopes of revenging public and private insults, or supposed insults, to the impressions of which they were exceedingly susceptible; to this assertion the following letter and answer, which passed in the 14th century, authenticated by Cox, will bear no inconsiderable testimony.

O'Nial to O'Donnell.

“ Pay me your tribute, or if you don't”——

O'NIAL.

O'Donnell to O'Nial.

“ I owe you no tribute, and if I did”——

O'DONNELL.

The strength of the kingdom thus divided at first, became an easy prey to every invader.

* Story of Richard II. his last being in Ireland. By the Earl of Tothness.

† It is not in memory, that ever any king of England made such provision for any journey into Ireland, nor such a number of men of arms nor archers.

Howes.

‡ Henry II. brought with him into this kingdom a train of 500 Knights, the Kings of the land, &c. of *their own good wills*, without any war or chivalry, submitted and took oaths of fidelity to him.

Parliam. debates, vol. 7, p. 274, &c.

To this cause was owing the first invasion of Greece by Darius with a numerous and mighty army, the destruction of which, by the few intrepid troops of the Athenians, will ever be remembered.

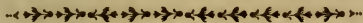
The following are the three principal charges brought against the earl of Strafford by Mr. St. John, which plainly shew that he did not consider Ireland as a *conquered nation*.

1. There at Dublyn, the principal city of that kingdome whither the subjects of that country came for justice, in an assembly of Peeres and others of greatest ranke, upon occasion of a speech of the Recorder of that city thouching their Franchises and legal rights, he tels them, that *Ireland was a conquered nation, and that the king might do with them what he pleased.*

2. Not long after, in the *parliament 10 Car.* in the chaire of state, in full parliament againe, That *they were a conquered nation, and that they were to expect laws as from a conqueror; before the King might do with them what he would; now, they were to expect it, that he would put this power of a conqueror in execution.*

3. Upon like occasion of pressing the lawes and statutes, that he would make an *añ of counsell board in that kingdom binding as an añ of parliament.*

My Lords, continued he, I have done with the three treasons within the stat. of 25 Ed. III.



From a perusal of the collections of Pryn *, Rymer, &c. it will plainly appear that the Monarchs of England paid every attention to the welfare of their subjects in this kingdom till Char. time. Henry II. we see gave them a *Modus tenendi Parliamenta*, in the same terms with that of England, and considering it as a *distinct kingdom*, settled it on his son John for an appenage, who confirmed to the Irish, by charter, his father's grant of the *Common Law* of England, and a free parliament with immunities to the city of Dublin † and Waterford ‡, even beyond those of London, which Henry VI. farther confirmed. Henry III. granted us a Magna Charta.

In the fifth of Edward I. the English laws were confirmed to the Irish §.

* Animad. p. 2, 11, 50, 59, 60, 111, 120, 121, 123, 127, 142, 415, 146, 160, 229, 248 250, 254 to 322, 408 to 414. See also index to 4 Inst. under Ireland.

† Charta Johanni regis Angl. et dom. Hibern. civib. Dub. facta 30 die Julii reg. 17. Ex lib nig. eccl. S. Trin. Dub. A. D. 1214.

‡ Pat. 9, Hen. VI. No. 7.

§ De legibus Anglicanis Hibernis concedendis ex bundella literarum in Tufr. Lond. Pryn, tom. 3, p. 1218.

The statutes of force in England, which, in the time of Edward II. were referred to be examined in the next parliament, so many as were then allowed and published to stand likewise for laws in this kingdom*.

Edward III. ordained that the affairs of the land (Ireland), especially the weightiest, should be handled, discussed, and determined by the Prelates, Nobles, and other discreet men of the King's Council there; and by his Council, Prelates, and others in parliaments according to justice, law, custom, reason, &c†.

Richard III. on usurping the English crown, expressed these words: "From this moment, I take upon me the government of the two kingdoms of *England* and *France*; the former to be governed and defended; and the latter, by God's help, and my peoples' assistance, to be subdued." That he in no wise considered Ireland as annexed to that crown, which certainly at this time was a separate and distinct nation, wherein the state of *England* had not leisure or abilities to bring about a reformation, till their own civil dissensions were appeased.

The Declaratory Act in the reign of Henry IV. expressly says, "That English statutes bind not, unless retracted here‡," and the similar one of Henry VI. speaks its attention to this great object; in the 18 of Henry VI. cessing of horse or foot upon the King's subjects here is made treason; even the act of Poyning in the time was intended as salutary to the subject, as may appear from the following copy of it.

An act that no Parliament be holden in this land, until the acts be certified into England.

Item, At the request of the Commons of the land of Ireland, be it ordained, enacted and established, That at the next parliament that there shall be holden by the king's commandment and licence, wherein amongst other the king's grace intendeth to have a general resumption of his whole revenues with the last day of the reign of King Edward II. no parliament hereafter be holden in the said land but at such season as the king's lieutenant and counsaile there first do certifie the king under the great seale of that lande the causes and considerations, and all such acts as to them seemeth should pass in the same parliament, and such causes, considerations and acts

* See marginal note of Sir Richard Bolton, in his edit. of the Irish statutes. See also, Pryn 264, 265, 266. An. 20, Edw. 2.

† Pat. stat. 31 Edw. III. m. 11, 12, exemplified likewise in Pat. 17, R. 2, m. 34. See likewise Rylce's appendix, p. 582, &c. Pryn 287.

‡ See p. lxxxvii of these Facts.

affirmed by the king and his counsaile to be good *and expedient for that land*, and his license thereupon, as well in affirmation of the said causes and acts; as to summon the said parliament under his great seal of England had and obtained, that done, a parliament to be had and holden after the form and effect afore rehearsed, and if any parliament be holden in that land hereafter, contrary to the form and provision aforesaid, it be deemed void and of none effect in Law.

Ir. Stat. 28 H. 8. cap. 4 & 20. 11 El. cap. 1 and 8.

In the Irish act passed 28 Henry VIII. it is fully asserted, and enacted, “ That the said *English* act, and every thing and
“ things therein contained, shall be established, affirmed, taken,
“ obeyed, and accepted within this land of *Ireland*, as good
“ and perfect law, and shall be within the said land of the
“ same force, effect, quality, condition, strength and virtue
“ to all purposes and intents, as it is within the realm of
“ *England*, and that all subjects and residents within this said
“ land of *Ireland*, shall observe, keep, obey, accomplish and
“ execute the effects and contents specified in the said *English*
“ act, and shall have and enjoy the profit and commodity of
“ the same; as the *English* subjects are thereby bound, or in-
“ titled, &c.”

Notwithstanding that it is allowed, that there were a few English statutes restraining our commerce before 1663*, yet they appear to have been so little felt, that our commercial restriction may properly be said to have commenced at the foregoing period, when an English act was formed to prevent exportation from Ireland to the English Colonies, and in 1670, another act was made to prevent importation from thence.

Let the histories of both kingdoms†, and the statute-books of both parliaments be examined; and no precedent will be found for the act of 1699‡, or for the system which it introduced.

The whole tenor of the English statutes relative to the trade of this country, and which by our act of the 10th of Henry VII. became a part of our commercial constitution, breath a spirit totally repugnant to the principle of that law, and it

* Stat. Hib. 14 Hen. III. Ordin. Irish Stat. Hib. 17 Edw. I. 2 Hen. VI, &c.

† Commer. Restr.

‡ When the act passed in England restraining the exportation of all woollen manufactures from Ireland, which was then the source of industry in that kingdom, and the discouragement of them, the principal cause of her distress, the encouragement of the linen manufacture was not an equivalent at this time, and if it was, has long since ceased to be so.

is therefore with the utmost deference submitted to those who have the power to decide, whether this law was agreeable to the commercial constitution of Ireland, which for 500 years has never produced a similar instance.

It might be naturally supposed, by a person not versed in our story, that in the seventeenth century * there had been some offence given, or some demerit on our part. He would be surprized to hear, that during this period our loyalty had been exemplary, and our sufferings on that account great. In 1641, great numbers of the protestants of Ireland were destroyed, and many of them were deprived of their property, and driven out of their country from their attachment

* 6 Geo. I. cap. 21. sect. 49. If any tobacco entered out for foreign parts and exported, shall afterwards be landed in *Ireland*, the same and double the drawback shall be forfeited, and every debenture for the drawback shall become void, as if the tobacco were relanded in *Great Britain*; which forfeitures may be recovered in any of the courts of record of *Westminster* or *Dublin*, or in the Exchequer of *Scotland*.

Brit. stat. 5 Geo. I. No wrought silks, Bengals, stuffs mixed with silk and herba, or muslins or other callicoos, of the manufacture of *Persia*, *China*, or *East India*; shall be imported into *Ireland*, from any place other than *Great Britain*, on forfeiture of the goods or value thereof, as also of the ship, with all her guns and tackle, &c. &c.

Brit. stat. 6 Geo. I. cap. 21. § 52. Where any ship or vessel of the burthen of fifty tons or under, laden with customable or prohibited goods, shall be found at anchor, or hovering on the coasts of *Ireland*, within two leagues of the shore, and not proceeding on her voyage (wind and weather permitting), it shall be lawful for any Officer of his Majesty's customs of that kingdom, to go on board every such ship, &c.—The *British* parliament regulating his Majesty's customs in *Ireland*! It is but a step, one small step, from the regulation of revenue to the imposition of taxes.—See the remainder of that section, and also the following one. The stat. 11 & 12 W. III. cap. 7; 4 Geo. I. cap. 11. § 7; and 8 Geo. I. cap. 24. for the punishment of piracies.—And 2 Geo. II. cap. 28. 19 Geo. II. cap. 12. sect. 23. no person shall import into *Ireland* any crown plate, flint, or white glass; or any common bottles, or other green glass; or glass of any kind or denomination, other than the manufacture of *Great Britain*. And if any kind of glass, other than the manufacture of *Great Britain*, shall be landed out of any vessel in *Ireland*, it shall be forfeited and destroyed within ten days after condemnation thereof; and the vessel also, with her tackle and furniture, &c. shall be forfeited; and the master of the vessel, and every other person concerned in importing or landing the same, shall forfeit ten shillings for every pound weight thereof, and so in proportion for any quantity.

7 Geo. II. cap. 19. If any foreign hops, other than of *British* growth, shall be landed in *Ireland*, all such hops shall be forfeited and burnt within ten days after the same shall be lawfully condemned; and the persons concerned in importing of the same, or that shall have assisted in landing the same, shall forfeit five shillings for every pound weight thereof.

to the English government in this kingdom, and to that religion and constitution which they happily enjoyed under it. At the Revolution they were constant in the same principles, and successfully staked their lives and properties against domestic and foreign enemies, in support of the rights of the English crown, and of the religious and civil liberties of Britain and of Ireland. They bravely shared with her in all her dangers, and liberally partook of all her adversities. Whatever were their rights, they had forfeited none of them. Whatever favours they enjoyed, they had new claims, from their merit and their sufferings, to a continuance of them. They now wanted more than ever the care of that fostering hand, which by rescuing them twice from oppression (obligations never to be forgotten by the protestants of Ireland) established the liberties, confirmed the strength, and raised the glory of the British Empire.

Besides our exclusion from foreign markets, England had two objects in the discouragement of our woollen trade.

It was intended that Ireland should send her wool to England, and take from that country her woollen manufactures *. It has been already shewn that the first object has not been attained; the second has been carried so far as, for the future, to defeat its own purpose. Whilst our own manufacturers were starving for want of employment, and our wool sold for less than one half of its usual price, we have imported from England in the years 1777 and 1778 woollen goods to the enormous amount of 715,740l. 13s. 0d. as valued at our custom-house, and of the manufactures of linen, cotton and silk mixed, to the amount of 98,086l. 1s. 11d. making in the whole in those two years of distress 813,826l. 14s. 11d. Between 20 and 30,000 of our manufacturers in those branches were; in those two years, supported by public charity. From this fact it is hoped, that every reasonable man will allow the necessity of using our own manufactures. Agreements

* The commissioners of trade, in their representation, dated the 17th of November, 1697, relating to the trade between England and Ireland, advise a duty to be laid upon the importation of oil, upon tallow, whether imported or growing there, and upon all the utensils employed in the making any woollen manufactures; on the utensils of worsted-combers, and particularly a duty by the yard upon all cloth and woollen lutes, except frizes, before they are taken off the loom. Eng. Com. Jour. v. 428.

among our people for this purpose are not, as it has been supposed, a new idea in this country. It was never so universal as at present, but has been frequently resorted to in times of distress. In the sessions of 1703, 1705 and 1707*, the House of Commons resolved unanimously, That it would greatly conduce to the relief of the poor and the good of the kingdom; that the inhabitants thereof should use none other but the manufactures of this kingdom in their apparel and the furniture of their houses; and in the last of those sessions the members engaged their honours to each other, that they would conform to the said resolution. The not importing goods from England, is one of the remedies recommended by the council of trade in 1676, for alleviating some distress that was felt at that time†; and Sir William Temple, a zealous friend to the trade and manufactures of England, recommends to Lord Essex, then Lord Lieutenant, “to introduce, as far as can be, a vein of parsimony throughout the country, in all things that are not perfectly the native growths and manufactures‡.”

The English law || of 1663, restraining the exportation from Ireland to America, was at that time, and for some years after, scarcely felt in this kingdom, which had then little to export, except live cattle, not proper for so distant a market.

The act of settlement passed in Ireland the year before this restrictive law, and the explanatory statute for the settlement of this kingdom, was not enacted until two years after. The country continued for a considerable time in a state of litigation, which is never favourable to industry. In 1661 the people must have been poor; the number of them of all degrees, who paid poll money in that year was about 360,000 §. In 1672, when the country had greatly improved, the manufacture bestowed upon a year's exportation from Ireland, did not exceed eight thousand pounds**, and the clothing trade had not then arrived to what it had been before the last rebellion. But still the kingdom had much increased in wealth, tho' not in manufactured exports. The customs which set in 1656 for 12,000l. yearly, were in 1672 worth 80,000l. †† yearly, and the improvement in domestic wealth, that is to say, in

* Com. Journ. 3 vol. 348, 548.

† Sir W. Petty's Political Survey, 312.

‡ Sir W. Temple, 3 v. 11.

|| Ib. 9. and 110.

§ Sir W. Petty, p. 9.

** 15 Ch. II.

†† Ib. 89.

building, planting, furniture, coaches, &c. is said to have advanced from 1652 to 1673 in a proportion of from one to four, Sir William Petty in the year 1672 complains not of the restraints on the exportation from Ireland to America *, but of the prohibition of exporting our cattle to England, and of our being obliged to unlade in that kingdom † the ships bound from America to Ireland; the latter regulation he considers as highly prejudicial to this country.

The immediate object of Ireland at this time, seems to have been to get materials to employ her people at home without thinking of foreign exportations. When we advanced in the export of our woollen goods, the law of 1663 ‡, which excluded them from the American markets, must have been a great loss to this kingdom; and after we were allowed to export our linens to the British colonies in America, the restraints imposed by the law of 1670 upon our importations from thence became more prejudicial, and will be much more so if ever the late extension of our exports to America should, under those restraints, have any effect; for it is certainly a great discouragement to the carrying on trade with any country, where we are allowed only to sell our manufactures and produce, but are not permitted to carry from them directly to our own country their principal manufactures or produce. The people to whom we are thus permitted to sell, want the principal inducement for dealing with us, and the great spring of commerce, which is mutual exchange, is wanting between us.

As the British legislature has thought it reasonable to extend, in a very considerable degree, our exportation to their colonies, and has doubtless intended that this favour should be useful to Ireland, it is hoped that those restraints on the importation from thence, which must render that favour of little effect, will be no longer continued.

From those considerations it is evident, that many strong reasons respecting Ireland are now to be found against the continuance of those restrictive laws of 1663 and 1670, that did not exist at the time of making them.

Ireland was by those laws excluded from almost all the trade of three quarters of the globe, and from all direct beneficial intercourse with her fellow-subjects in those countries, which were partly stocked from her own loins. But still, though deprived at that time of the benefit of those colonies,

* Sir W. Petty, p. 9 and 10. † Ib. 34, 71, 125. ‡ 15 Ch. II. ch. 7.
the

she was not then considered as a colony herself; her manufacturers were not in any other manner discouraged, her ports were left open, and she was at liberty to look for a market among strangers, though not among her fellow-subjects in Asia, Africa or America*.

By the proceedings in the English parliament in the year 1698, and the speech of the Lords Justices to the Irish parliament in that year it appears, that the linen was intended to be given to this country as an equivalent for the woollen manufacture. The opinion that this supposed equivalent was accepted of as such by Ireland is mistaken. The temperament, which the commons of Ireland in their address said they hoped to find, was no more than a partial and a temporary duty on the exportation, as an experiment only, and not as an established system, reserving the exportation of frize, then much the most valuable part to Ireland†. The English intended the linen manufacture as a compensation, and declared they thought it would be much more advantageous to Ireland‡ than the woollen trade.

This idea of an equivalent has led several persons, and among the rest two very able writers§, into mistakes, from the want of information in some facts which are necessary to be known, that this transaction may be fully understood, and therefore ought to be particularly stated.

The Irish had before this period applied themselves to the linen trade. This appears by two of their statutes, in the reign of Elizabeth, one laying a duty on the export of flax and linen yarn||, and the other, making it felony to ship

* Sir William Petty mentions that "the English who have lands in Ireland were forced to trade only with strangers, and became unacquainted with their own country, and that England gained more than it lost by a free commerce (with Ireland), as exporting thither three times as much as it received from hence;" and mentions his surprise at their being debarred from bringing commodities from America directly home, and being obliged to bring them round from England "with extreme hazard and loss.—Political Survey of Ireland, p. 123.

† The Lords commissioners of trade in England, by their report of the 31st of August 1697, (Eng. Com. Jour. 12 vol. p. 428) relating to the trade between England and Ireland, though they recommend the restraining of the exportation of all sorts of woollen manufactures out of Ireland, make the following exception, "except only, that of their frize, as is wont, to England."

‡ See before speech of Lords Justices.

§ Mr. Dobbs, and after him Dr. Smith. || 11 Eliz. sess. 3, ch. 10.

them without paying such duty *. In the reign of Charles I. great pains were taken by Lord Strafford to encourage this manufacture; and in the succeeding reign † the great and munificent efforts of the first Duke of Ormond were crowned with merited success. The blasts of civil dissensions nipped those opening buds of industry, and when the season was more favourable, it is probable that, like England, they found the woollen manufacture a more useful object of national pursuit; which may be collected from the address of the English house of commons, “that they so unwillingly promote the linen trade ‡;” and it was natural for a poor and exhausted country to work up the materials of which it was possessed.

In 1696 the English had given encouragement to the manufactures of hemp and flax in Ireland, but without stipulating any restraint of the export of woollen goods.

In 1699, there was no equivalent whatever given for the prohibition of the export of our woollen manufactures.

But perhaps it may be necessary to inform the reader, that the foregoing privileges at first extended only to the English adventurers in the pale || and five Irish families, the O'Briens, the O'Cavanaghs, the O'Neals, the O'Conors, and O'Meara Loughlins of Meath, the rest were deprived of their lives, lands, and liberties by the English with impunity; and, to compleat their misfortunes, the celebrated statute of Kilkenny, which here follows, was passed in 1365, which proved a more respectable and numerous assembly than had hitherto been convened in Ireland. The prelates of Dublin, Cashel, Tuam, Lismore, Waterford, Killaloe, Ossory, Leighlin, Cloyne, obeyed the summons of the king's son. The temporal peers and commons cheerfully attended. Both estates sat together: and the result of their deliberations was, that the English of the realm § of Ireland, before the arrival of the duke

* 13 Eliz. sess. 5, ch. 4.

† 17 and 18 Ch. 2, ch. 9, for the advancement of the linen manufacture. Carte. ‡ See before.

|| Which included Dublin, Meath, Uriel, now Louth, the cities of Kildare, Waterford, Cork, and Limerick.

“Tho' a Prince assume the title of Sovereign of an entire country, (as our Kings did of Ireland,) yet if there be *two-thirds* of that country, wherein he cannot punish treason, or murder, or theft, if the jurisdiction of his ordinary courts of justice doth not extend to these parts; if he have no certain revenues, no escheats or forfeitures, I cannot say, that such a country is conquered. Davis's Hist. of Ire. p. 9.

§ MSS. Lamb. G. No 608. fol. 1.

of Clarence, were become mere Irish in their language, names, apparel, and manner of living; had rejected the English laws, and submitted to those of the Irish, with whom they had united by marriage-alliance, to the ruin of the general weal. It was therefore enacted, that marriage, nurture of infants, and god-fifred with the Irish, should be considered and punished as high-treason. Again, if any man of English race shall use an Irish name, the Irish language, or the Irish apparel, or any mode or custom of the Irish, the act provides that he shall forfeit lands and tenements, until he hath given security in the court of Chancery, to conform in every particular to the English manners; or, if he have no lands, that he shall be imprisoned until the like security be given. The Brehon law was pronounced, to be a pernicious custom and innovation lately introduced among the English subjects *. It was therefore ordained that in all their controversies they shall be governed by the common law of England; and that whoever should submit to the Irish jurisdiction, was to be adjudged guilty of high-treason. As the English had been accustomed to make war and peace with the bordering enemy at their pleasure, they were now expressly prohibited from levying war upon the Irish, without special warrant from the state. It was also made highly penal to the English, to permit their Irish neighbours to graze their lands, to present them to ecclesiastical benefices, or to receive them into their monasteries or religious houses; to entertain their bards, who perverted their imaginations by romantic tales; or their news tellers, who seduced them by false reports. It was made felony to impose or cefs any forces upon the English subject against his will. And as the royal liberties and franchises were become sanctuaries for malefactors, express power was given to the king's sheriffs to enter into all franchises, and there to apprehend felons or trai-

* *Finglas*, chief Baron of the Exchequer in King H. VIII. time says, "That the English statutes passed in Ireland, are not observed above eight days after passing them; whereas those laws and statutes made by the Irish on their hills, they keep firm and stable, *without breaking them for any favour or reward.*" Baron Finglas's Breviate of Ireland.

"There is no nation under the Sun, that love equal and indifferent justice, better than the Irish, or will rest better satisfied with the execution thereof, although it be *against themselves.*" Sir J. Davice's Hist. Ire.

"I have been informed by many of them that have had judicial places there (in Ireland) and partly of mine own knowledge, that there is no nation of the Christian world, that are greater lovers of justice than they are; which virtue must of necessity be accompanied by many others.

Cooke's Inst. chap. 76.

tors. Lastly, because the great lords, when they levied forces for the public service, acted with partiality, and laid unequal burdens upon the subjects, it was ordained, that four wardens of the peace in every county should adjudge what men and armour every lord or tenant should provide. The statute was promulgated with particular solemnity; and the spiritual lords, the better to enforce obedience, denounced excommunication on those who should presume to violate it in any instance.

Voltaire, whose acquaintance with Irish history appears to be very slight, asserts, "That the Irish always behaved shamefully at home." I am confident, with all his ingenuity, he would not be able to support this on any principle of philosophy or common sense: he should, however, first have recollected the celebrated battle of Clontarf, which was the 99th in which Boromhe was victorious over the Danes; he should also have recollected the battle of Aughrim, * where 15000 Irish, ill-paid, and worse clothed, fought with 25000 men, highly appointed, and the flower of all Europe, composed of *English, Dutch, Flemings and Danes*, vying with each other. That after a most bloody fight of some hours, these began to shrink on every side; and would have received a most complete overthrow, but for the treachery of the commander of the Irish horse, and the death of their general, killed by a random shot.

At the first siege of Limerick, a small party of Irish, headed by the gallant *Sarsfield*, cut off a considerable body of these aliens near Cullen, and destroyed all the cannon and ammunition, intended for the expediting this work; and in this enterprise it is difficult to determine which to admire more, the wisdom of the plan, or the intrepidity with which it was executed. Soon after this, when a breach was made in the walls 40 feet wide, which the English, with their accustomed bravery, mounted, and poured into the city, the Irish rallied in the centre of the Irish-town; in their turn attacked the enemy, beat them back to the dismantled walls, and from thence to the Fosse. They did not stop here: they pursued them to their camp with great slaughter; and though they did not set fire to the English hospital, where the wounded, unable to fly, were perishing in the flames, yet, it is a known fact, that they partly prevented the effects of this unnatural order, by quenching the fire, and saving numbers of these half-expiring wretches. The censure which King William passed on his troops, after this defeat, is too glorious for the Irish to be here omitted: "*Had I (said he) but the handful of*

* O'Halloran, page 270.

“ *men who defended this city, and that you were all shut up in it, I would take it in spite of you.*” M. de Voltaire makes but a poor atonement to this injured nation, when he rapidly tells us, “ that they behaved well abroad.” He knew that their valour abroad was such, that in many capital defeats of the French armies they alone remained conquerors. Witness the battle of the *Woods*, where Clare’s regiment alone cut to pieces one of two battalions, so that none but the colonel (Gore) and a very few survived the action. While the whole army were complimenting the *great Marlborough*, on this signal victory, he alone appeared melancholy and dejected. *I wish*, (said a young colonel) *that my regiment had been on that service. I wish they had* (answered this officer, coolly) *for then I should be at the head of 1500 brave fellows, and you not have ten.* The affair of Cremona, were there no other instance, one should think would secure them immortality in France, were gratitude the characteristic of the French nation; and the remark of a senator, in the British house of commons the winter following, shews how sensibly the high allies felt the check:

“ Two Irish regiments (said he) have done at Cremona more real injury to the high allies, than the fee-simple of all their forfeited estates is worth!”

If time and the limits of this work permitted, numerous examples of Irish prowess and disinterested generosity could be adduced, but every invidious remark to the contrary may be overthrown, from the bare transactions of the great *Hugh O’Neil*, and his intrepid followers:

O sacred LIBERTY! shall faction’s train
Pervert the reverend archives of thy reign?
Shall slaves traduce the blood thy votaries spilt,
Blaspheming glory with the name of guilt?
And shall no son of thine, their wiles o’erwhelm,
And clear the story of *our* injur’d realm?
To this bright task some *Irish* spirit raise,
With power surpassing even a *Livy*’s praise;
Thro’ this long wilderness his march inspire,
And make thy temperate flame his leading fire!
Teach his keen eye, and comprehensive soul,
To pierce each dark recess, and grasp the whole:
Let truth’s undoubted signet seal his page,
And glory guard the work from age to age;
That *Irish* minds from this pure source may draw
Sense of thy *rights*, and passion for thy *law*;
Wisdom to prize, and honour that inspires,
To reach that virtue which adorns our fires. HAYLEY.

Approaching to a close, I presume, my endeavours may at least lay some claim to the laudable verses of old Ennius:

Antequa sepulta vetusta,

Quai faciunt mores veteresq. novosque tenentem,

Moltarum veterum legum divomque hominumque.

And though accuracy may be disappointed in arrangement, judgment in selection, and indulgence wearied with length; to balance these, discernment may discover a desire to pause, where candour seemed satisfied, till hurried on by fresh information to establish truth, or dispel prejudice, repetition consequently following: however, should the former prevail, youth, haste, and avocation to necessary business, could be produced in my favour, if the pleasing reflection of having endeavoured to serve my country, did not at least, though at the same time with every possible respect to public opinion, prepare my feelings against every ill-natured attack; in confidence of which, I shall add a few remarks, unwilling to quit a subject which has left such pleasing impressions on a heart, which only laments the inability of a head to gratify its warmest wishes.

Videmus quid deceat non assequimur. *Cicero.*

It is plain, *then*, that Ireland *never was* conquered by the English; it is not probable to suppose, that Strongbow with 400, and Henry II. with 500 Knights, should prevail where 60,000 and upwards, ignominiously failed. In addition to what has been said on this subject, the following may not be deemed inapposite.

The very best view of the political state of this kingdom (from the reign of Henry the second to that of James the first) is given by Sir John Davies, Attorney-General, who was sent hither in that character, soon after his royal master's accession to the throne of Great Britain. His book bears the title of 'Historical collections: or, a discovery of the true causes why Ireland was never entirely subdued, nor brought under obedience to the crown of England, until the beginning of the reign of king James.' The causes are assigned under two general heads: 1st. The faint prosecution of the war. Both Henry the second and his son (King John) contented themselves with gaining a superficial homage from the kings of three provinces; and Sir John Courcy, earl of Ulster, made little more impression on the fourth. No force sufficient to support the English interest, appeared before the thirty-sixth of Edward the third; and this was reckoned an intolerable burden upon the treasury of England. So was Richard the second's expedition in the latter end of his reign;
from

from which time, to the 39th of queen Elizabeth, there never was a competent strength sent over. The author, in this part of his discourse, shews at large what hindrances every preceding reign was cloged with, running through the most material occurrences in each. 2. The other chief cause of this slow progress he attributes to the defects and looseness in the civil administration. There was from the beginning, he observes, a shew of giving English laws and franchises to the natives in general; but, in fact, these privileges were only allowed, by the courts of judicature, to five Irish septs, the rest being always treated as aliens and enemies: In proof of this, he entertains his reader with several curious cases and pleadings in said courts. A like fault in policy was the passing of exorbitant grants, whole countries and provinces, to the first adventurers, who, instead of winning over the natives to the obedience of their Sovereign, fell into endless quarrels among themselves. These struggles put them under a necessity of living under the old Irish fashion, for, to increase the numbers and powers of their respective families and clans, they observed the laws of Tainistry and Gavelkind; and, as their forces grew numerous, they were subsisted by the wicked extortion of Buanachd, Coigna and Livery. The statutes of Kilkenny made some provision for the cure of this epidemic distemper: and these enacted by Sir Edward Poyning, under king Henry the seventh, seemed to secure an universal observance of the English laws. Yet, in the very next reign, there was room enough for a farther reformation both in church and state: when the Lord Grey, having (among other wholesome acts of parliament) procured an establishment of the king's supremacy, first discovered that the Irish made no scruple in renouncing the Pope, when they had once resolved to obey the king. However, the advances that were afterwards made by the Earl of Suffex under Queen Mary, seconded by those of Sir H. Sidney, and Sir Charles Blount (Lord Mountjoy) under Queen Elizabeth, finished the martial part of a plenary reduction of the whole kingdom; leaving only the peaceful distribution of justice, and the settlement of trade and commerce, to the ministry of King James. This is the sum and substance of that excellent treatise, which abounds with such a masterly knowledge in the history and state of Ireland, as is truly incomparable.

It is plain then that we enjoyed all the commercial liberties of England, until the 15th of Charles II. * In 1663, our

* Additional proofs to those I have already advanced in favour of this assertion, see 3d James I. ch. 6, 12 Ch. II. ch. 32. Matth. Paris,

exportation to the Colonies was prohibited. In 1670, our importation thence. In 1699, King William III. declared he would restrict our wool trade as *far as in him lay*, which he accordingly did.

As, nine-tenths of the present inhabitants of this kingdom are allowed to be descended from those English settlers, and the natives; who from time to time were permitted the use of the English laws*; it is clear, beyond contradiction, that *we* were as FREE as the English during 500 years. Our liberties were first infringed by the detestable Strafford, *but the cries of this oppressed country pursued, and overtook him*†. Since that period, you have borne “the whips and scorns of time ‡, the oppressor’s wrongs, the proud man’s contumely,

anno. 1172, p. 121, 220. Vit. H. 2. Pryn 4 Inst. 349. Against the 4 Inst. c. 76, p. 250, 252. Lord Lyttleton’s hist. H. II. 3d vol. 89, 90. 7 Co. 22, 23. Sir J. Davis’s hist. 71. 4th Black 429. Cooke’s 4th Inst. 351. Lucas’s works. Irish Hist. Lib. p. 136, &c.

* De legibus ab Anglicanis in Hibernia usitatis æri Hibernicis concedendis. A. D. 1280, Pryn, an. 257, Pat. 8, Ed. I. m. 12.

† See Mr. Flood’s speech, December 18, 1781.

‡ Lucæ De Linda, Descriptio Orbis. Amsterdam 1665. p. 385. Mores Hibernorum nostri temporis. Baptizatis infantibus nomina imponunt profana matrimonia contrahunt, non de præsentî, sed de futuro, ideo facile divortium admittunt, ubi sine negotio maritus aliam quærit uxorem et mulier alterum maritum sive vestres Irlandi in genua procumbunt, cum novilunium spectant frumentum pro equis, quorum ingentem gerunt curam, servant, urgente nimium fame etiam crudas carnes comedunt, vaccæ sanguinem coagulatum butyro superfundunt, et ita comedunt. Adhæc Anglo-Hiberni adeo ab antiquis illis Hibernis sunt seperati ut colonorum omnium ultimus qui in Anglica provincia habitat, filiam suam, vel nobilissimo Hibernorum principi in matrimonium non daret, Tales vero lites æstimare solent certi homines quos *Brehonios* appellant, qui tam juris civilis, quam Britannici ignorantes sunt, judicantque solum ex domesticis consuetudinibus, quæ usu et frequentia actuum receptæ sunt. In suam et montanis velut feræ oberrent locis quod illorum spectat eruditio suam, illa valde exigua est. Medicos ibi hæreditas, non doctrina facit fatisque se doctos putant, si illud Hippocratis, *ars longa vita brevis* recitare queant.

Grafton.

Manners of the Irish of our days. Their baptismal names are prophane; they wed for the future, not the present, whereby divorces are easily obtained, and the husband at liberty to chuse another wife, and the wife another husband; the savage Irish fall on their knees at sight of the new moon; they pay great attention to their horses, feeding them with corn; pressed by great hunger, they eat raw flesh, they likewise eat cow’s blood, covered with butter. The English Irish as yet are separated from the old natives, and the English who inhabit the Pale, being the last of all the colonies, would not give one of their daughters in marriage to the noblest Prince of the Irish. Their disputes are determined by certain men, called *Brehons*, who are as ignorant of the civil law as of the British; they judge wholly from domestic customs, which, confirmed by frequency of

acts

“and the laws delay;” your history considered as fable, your courage fool-hardiness, and your hospitality intemperance.

And now, my countrymen and fellow-subjects, since ye have set so bright an example to posterity in the redemption of your liberties, continue to preserve them inviolate; watch them with the eye of circumspection and caution; trust not to the specious professions of national friendship and generosity, they are the words only of speculation and sophistry. The dreams of Puffendorf and Montesquieu may amuse in the closet, but they vanish in the field. Power only is the law of nations: when assured of the confidence of Britain, yield her every consistent aid; one of her sons had the presumption already to ring the shackles ye have nobly broken in your ears, and to brand ye with discontent; the voice of your unanimity has already reached the throne; ye have given the highest marks of gratitude for a *simple act of justice*. What would Britain require?

acts, are received; they live in mountains and woods like wild beasts; they scarcely possess any learning; their physicians are hereditary, and illiterate; they conceive themselves learned enough, if they are able to repeat the sentence of Hippocrates, *Ars longa, vita brevis*, art is long, life short.

Lucæ de Linda Amsteldam. 1665.

In Irelande there be two kinde of men, one soft, gentle, ciuile, and courteous: And to these people, as to the most richest, and best nurtured persons, doth many merchantmen of the Countreyes adjoynynge, dayly resort. But because the most resort thether is of the English nation, the Irish men folow and counterfeyt their ciuile manners, and honest conditions. And by reason of the the common trade and entercourse betwene them, they have learned the English tongue, and can both speake and understand it. And all this kind of people is under the subjection and dominion of the king of England. The other kinde is cleane contrary from this, for they be wyilde, rusticall, foolish, fierce, and for their unmannerly behauier, and rude fashions are called wilde and sauage Irishemen. And these men have many gouernours and seuerall rulers, which kepe continuall battaile, and dayly warre amongst themselves, for the which cause they be more fierce, more bolde and hardie then the other Irish men, and they be very desyrous of newe thinges, and straunge sights and gasyngs, and after robbery, theft, and rapine, and in nothing so much delightyng as with tumultuous sedition and continuall strife. And to these wilde Coltes, Perkyn shewed himselfe first, easily perswading them to beleue that he was the same very person whom he falsly fained and counterfeited.

Grafton.

“Some nations seem formed for subjection to others. The English always had a superiority over the Irish, in genius, as well as arms and riches, nor has Ireland ever been able to shake off the yoke, *since she was first subdued by an English baron.*”

Voltaire.

“The Irish, from the beginning of time, had been buried in the most profound barbarism and ignorance.”

Hume.

See more on this subject, particularly in the introduction to Dr. Curry's hist. of the Civil Wars of Ireland.

“ Let the favour received be what it will, liberty is too dear a price for it. A state that has been *obliged*, is not therefore to be *enslaved*. It ought, if possible, make an adequate return for the services done to it ; but to suppose that it ought to give up the power of governing itself, and the disposal of its property, would be to suppose, that in order to shew its gratitude, it ought to part with the power of ever afterwards exercising gratitude.” Dr. Price.

Arouse! be awakened and guard the freedom that is justly your due! guard the precious fruit of your own exertions with *breathing fire*. Place your confidence, therefore, in Heaven and *yourselves* alone.

Wisdom and moderation have already marked your councils ; ye have proceeded, and may ye continue so to do, with the firmness of men resolved to be FREE.

It is not my wish to awaken discontents or jealousies. Englishmen cannot blame ye for adoring what themselves admire : they are generous, so are ye ; they are brave, so are ye. May Britain—but a favourite Poet conveys my wish, &c.

May Britain soon her better interest know,
 Nor spurn the good Ierne can bestow ;
 Her paltry pride, her mean suspicions chace,
 And win, by bounteous acts, a grateful race.
 In many a maze, while commerce flows around,
 New force and value shall to her redound ;
 Wide, and more wide, the genial currents born,
 With rising herbage shall their banks adorn ;
 And scatter plenty, as their path they sweep,
 Then sink in her, as in their parent deep :
 Or like the blood, with heat informing roll,
 Strength to the limbs, and spirit to the soul.

H I S T O R Y

OF

VOLUNTEERING, &c.

BEFORE we enter on the unexampled period that must ever raise the page of Irish history superior to all others, let us take a short view of this island immediately preceding it; happily situated, placed beneath one of the finest climates, behold the richest soil no longer entrusted with the hopes of harvest, but consigned to the sustenance of cattle as the only marketable commodity; a spiritless peasantry, ill-lodged, worse clothed, and coarsely fed; a ruined tenantry; every heretofore crowded hamlet and village experiencing the real miseries of Doctor Goldsmith's *Deserted One*; the spirit of freedom broken by oppression into despondence; the languid eye only lifted to take in fresh images for sorrow; life measured by length; and death or emigration, the living death of population, presented as the only resource from misery; every species of industry blasted in the bud; public credit failed, merchants became bankrupts, our artificers begged in our streets, the numbers of our poor grew greater as the means of relieving them grew less; our charity only was not chilled, but our hands could not obey the warm dictates of our hearts; wool reduced one half in its usual price; wheat one third; black cattle of all kinds in the same proportion, and hides in a much greater; buyers not had without difficulty at those low rates, and from the principal fairs men commonly returned with the commodities they brought there. Many faithful pictures of our misery* were given,

* Were I, says the ingenious Dr. Campbell, to devise an emblematic figure of Ireland, in her present state, it should not be a Manerva-like figure with her spear and harp, nor should it be a Diana with her wolf dogs, coupled, and the moose deer in the back ground; but my picture of Ireland should be *Mulier formosa superne*, a woman exquisitely beautifully,

even the voice of verse arose to aid *slighted truth*, a piece of cloth of Irish manufacture, presented to the Queen by Lord Clare, was accompanied by the following lines, so truly descriptive of our situation, that an apology for their insertion must be needless.

And O! might poor Ierne hope,
 In sober freedom's liberal scope,
 To ply the loom, to plough the main,
 Nor see Heaven's bounties pour'd in vain ;
 Where starving hinds, from fens and rocks ;
 View pastures rich with herds and flocks ;
 And only view, forbid to taste—
 Sad tenants of a dreary waste ;
 For other hinds our oxen bleed,
 Our flocks for happier regions feed ;
 Their fleece to Gallia's looms resign,
 More rich than the Peruvian mine ;
 Her fields with barren lillies strown,
 Now white with treasures not her own :
 In vain Ierne's piercing cries
 Plaintive pursue the golden prize ;
 While all aghast the Weaver stands,
 And drops the shuttle from his hands.
 Barter accurs! but mad distress
 To ruin flies from wretchedness.
 'Theirs be the blame, who bar the course;
 Of commerce from her genuine source,
 And drive the wretch his thirst to slake
 With poison, in a stagnant lake.

Hence ports secure from ev'ry wind,
 For trade, for wealth, for pow'r design'd ;
 Where faithful coasts and friendly gales
 Invite the helm and court the sails ;
 A wide deserted space expand,
 Surrounded with uncultur'd land.
 Thence Poverty, with haggard eye,
 Beholds the British streamers fly ;
 Beholds the Merchant doom'd to brave,
 The treacherous shoal, and adverse wave ;

fully, with her head and neck richly attired, her bosom full, but meanly
 drest, her lower parts lean and emaciated, half covered with tattered
 weeds, her legs and feet bare with burned shins, and all the squalor of in-
 digent sloth.

Philosop. Survey
 Con-

Constrain'd to risk his precious store,
 And shun our interdicted shore.
 Thus Britain works a Sister's woe;
 Thus starves a friend, and gluts a foe.

So shackled were we in our trade, by the interested policy of England, and by the power she had assumed of making laws to bind us, that we even stooped to solicit the liberty of some trifling manufactures, and they were refused, though, the request was founded in justice, and begged as a favour; in so low an estimation were we held in the scale of the empire, that the trivial interest of every insignificant town was preferred to the just rights of an extensive nation, and every attempt to establish any manufacture their jealous avarice deemed injurious, met with immediate opposition, and the attempt itself was treated as an insolent violation of the rights of Britain; nay, to complete our misery, the landed property of the kingdom was shaken, the principal export trade ruined by a repeated embargo*, to serve the low corrupt intrigues of an English minister, to bribe a vote, and fill the pockets of a contractor. To add, if possible, a further disgrace, we were made the instruments of our humiliation; we were upbraided with a languor, and inattention, of which England alone was the cause; and while every exertion and every art were used to forge and rivet our chains, we were charged with the vices that result from a state of despondent servitude, and they were made the insolent plea for refusing our just demands. It must however, be acknowledged, that in the midst of tyranny, they thought on mercy; and, when they had lost America, they were pleased, with all the kindness of insulting condescension, to indulge us in the unsolicited favour of cultivating tobacco; and, to give the last gloomy finishing to the picture of our distress, the property of the kingdom, severely injured and threatened with total and immediate destruction, by a combination of secret villains, hardened in iniquity, and made desperate by want.

It is a just observation that there are moments big with the fate of nations, as well as of persons: 1779 appears to be peculiarly so with respect to Ireland; the combination of

* By a proclamation, dated the 3d of February, 1776, on all ships and vessels, laden in the ports in this kingdom, with provisions of any kind, but not to extend to ships carrying salted beef, pork, butter and bacon into Great-Britain, or provisions to any part of the British empire, except the Colonies mentioned in the said proclamation. 4th of January, 1779, taken off as far as it relates to ships carrying provisions to any of the ports of Europe.

several happy circumstances, happily attended, produced the desired effect; several literary luminaries arose on our hitherto almost darkened hemisphere; the re-illuminated mind recognized her long lost liberties, and determined to reclaim them; the thunder of Britain died at a distance, and the sea only trembled beneath the flight of her fleet; informed in the language of confidence that we were unjustly oppressed by a sister kingdom, whose extent of territory exceeded ours only in one-third, and her inhabitants one-half, and if a narrow sea divided us, a still narrower divided her and France, which must ever be her enemy, let her be the ally of whom she will; we smiled at our strength and the justness of our cause; the sparks of liberty were still alive, and only required to be fanned; the flame caught even the pulpit, the hallowed lip touched with fire, the manly exertions for our liberty, as a grand principle of the social and moral duties, was warmly ushered on the wings of religion.

And hark! *Ierne* calls her sons to arms,
 From plain to plain we hear the glad alarms!
 On ev'ry breeze the sacred banners stream;
 From hill to hill the marshall'd squadrons beam!
 Not shepherd's carrol, now, nor hunter's horn,
 But piercing fifes awake the ling'ring morn!
 Not rural sports the village throng delight,
 But warlike lessons, and the mimic fight!
 See, gayly dread, the virtuous bands appear,
 Dear to their country, and to freedom dear!
 No venal slaves, by some poor stipend led,
 To sell their worthless blood for daily bread;
 No ready engines, at a tyrant's word,
 'Gainst human rights to draw the guilty sword:
 Awake, alive, possess with glory's charms,
 'Tis virtue, virtue calls the host to arms.
 They blend the citizen's and soldier's name,
 And reason sanctifies the martial flame.
 Each sacred pledge that human life endears,
 Each awful call that sounds to virtuous ears:
 The rising energies of free-born mind,
 The glorious ties that honour loves to bind;
 And last, the promise of a deathless meed,
 See prompts, nor vainly prompts th' heroic deed,
 What honest flames from ev'ry eye-ball dart!
 What god-like transports heave the bursting heart!
 Now virtue reigns, sublime, supreme, confess;
 A nation feels her like a single breast!

Lord Nugent, whose name Irish gratitude should remember, on the 19th of January, 1779, called the attention of the British senate to the situation of our affairs, by moving for “an account of the imports from Ireland, and the exports to that kingdom, from the year 1768.” His motion, he said, would, if carried, enable gentlemen to see at once the rapid decay of trade in Ireland; and to judge whether the bills passed last session in favour of Ireland, had been productive of that good which the house, at the time of passing them, intended to do. He assured gentlemen, that the situation of the Irish was truly deplorable; want and poverty were visible every where throughout the kingdom; manufactures were at a stand; and famine had so overspread the country, that nothing but the miseries of our people at Calcutta, during the dreadful scarcity of provisions there, could equal the present situation of the Irish. The whole revenue of the kingdom was scarcely adequate to the support of the military establishment, and the payment of interest for the debts contracted in the *cause* of Britain. The value of estates had sunk to 17 and 14 years purchase; and even at that low rate no purchasers were to be found, and for want of trade there was no money in circulation. The loyalty of the Irish in such a distracted condition was eminently conspicuous; no sooner was France leagued with America, than the parliament of Ireland voted 300,000*l.* for the service of his Majesty; and actually pays the enormous interest of seven and a half per cent. because the poverty of the nation prevented it from settling a loan filled upon easier terms.

He offered to produce a letter from Sir George Saville to confirm what he advanced, and still farther appealed to Lords North, and Germaine, as *they knew what he had said was too true.*

The narrow policy of confining the trade of an empire to one part, and excluding all the others from a participation in it, was no less absurd than prejudicial to the whole. It was singular and unparalleled in Europe. There was no Prince on the continent, whose dominions were composed of different states, who absurdly cherished the interest of one to the ruin of the rest. The house of Austria possesses Austria, the Netherlands, the Milanese, Hungary and Bohemia, and finds it her interest in granting the benefit of a free and equal trade to all France, makes no distinctions between the ancient possessions of the crown and its newly acquired dominions, Alsace, Franche Comte, Lorraine, and what are called Les Pays Reconque

Reconques, all participate in trade equally with the other provinces of the kingdom. Spain acted formerly as we do now; but our misfortunes had made them wise. Cadiz was the only port in Spain allotted for American commerce: but that foolish system had been lately exploded; and now that all the Spanish ports are opened, the Spaniards find their manufactures revived; but above all, they see their navy raised to a degree of strength unknown to Spain at any other period. We in our turn ought to learn from them. Ireland had always been our best customer; she had taken our manufactures off our hands, and gave bread to our workmen. To disable her from continuing to do so, is to rob our manufacturers of the means of subsisting. Our tanning-bark, which was formerly sold in Ireland at four guineas a ton, brought at present only half that sum: The other commodities of this kingdom had sunk in proportion. Was that policy? Was that justice either to English or Irish? The prosperity of one country he always understood to be beneficial to the other; and as their interests were inseparable, so their advantage should be mutual. Ireland, situated as it is, would be still more advantageous to Great Britain, than if it was placed in the very centre of England; because from the situation it must always be of service to our navigation.

Mr. T. Townshend, lord Newenham, lord Beauchamp, and latterly Mr. Burke, appeared equally warm in the cause of Ireland. Sir George Yonge, our *worthy* vice-treasurer, indeed appeared wholly averse to the inquiry, and insisted, that our distress arose from indolence, and not from the restraints we lay under.

His Excellency John Earl of Buckinghamshire, Lord Lieutenant General, and General Governor of Ireland, his Speech to both Houses of Parliament, at Dublin, on Tuesday the 12th Day of October, 1779.

“ My Lords and Gentlemen,

“ AT a time when the trade and commerce of this kingdom are, in a more particular manner, the objects of public attention, it were to be wished, that the general tranquility, ever desirable, had been restored, so as to have left you entirely at liberty to deliberate on those great and important subjects. But I am persuaded, you will not permit any interests, however dear to you, to impede your efforts or disturb your unanimity at this most important period: and I have it expressly in command from his majesty to assure you, that the cares and solitudes, inseparable from a state of hostility,

have

have not prevented him from turning his royal mind to the interests and distresses of this kingdom with the most affectionate concern; of which the money remitted to this country for its defence, when England had every reason to apprehend a most formidable and immediate attack, affords a convincing proof. Anxious for the happiness of his people, his majesty will most cheerfully co-operate with his parliaments, in such measures, as may promote the common interest of all his subjects.

“ I have the pleasure to inform you of an accession to his majesty's family, since the last session of parliament, by the birth of another prince. May the same Providence, that continues to increase his domestic felicity, protect the honour of his crown, and the happiness of his people.

“ *Gentlemen of the House of Commons,*

“ It is with great concern, I am to inform you, that on account of the extraordinary decline of the revenues, the very liberal supplies of the last session have proved inadequate to the exigencies of government; so that, contrary to my most sanguine expectations, and most earnest endeavours, there is a considerable arrear now to be provided for.

“ His majesty, from his paternal attention to the interests of his people, and his solicitude to obviate, to the utmost, the necessity of increasing their burdens, has graciously commanded me to declare to you, that the greatest œconomy shall, in every instance, be exerted, as far as may be consistent with the honour of his crown, and the real interests of the nation.

“ I have ordered the public accounts and other necessary papers to be laid before you: and I have no doubt that your known loyalty to your king, and attachment to your country, will induce you to go as far, as the national abilities will admit, in making a provision suitable to the exigency of the times, and the honourable support of his majesty's government.

“ *My Lords and Gentlemen,*

“ The united efforts and great military preparations of the house of Bourbon, seem only to have roused the courage and called forth the exertions of his majesty's brave and loyal subjects of this kingdom. I have only to lament, that the exhausted state of the treasury, has hitherto put it out of my power to give those exertions the most extensive and constitutional operation, by carrying the militia-law into execution.

“ I am persuaded, you will not suffer any dangers, that may be threatened from abroad, to draw off your attention,

from wife and necessary domestic regulations; and that, among the many subjects worthy of your consideration, the Protestant charter schools and linen manufacture, will continue to be objects of your serious attention.

“ In promoting these, and in all other measures, that may tend to increase the prosperity and improve the true interests of this kingdom, I am bound to co-operate with you by a double tie, of inclination and of duty. Nothing can ever effect me with more real satisfaction, than the exerting my best endeavours for the welfare of Ireland; nor can I ever render a more acceptable service to my sovereign, than in promoting the happiness of his people.”

House of Lords, Wednesday, October 13. Committees sat upon the addresses to his majesty and the lord lieutenant, which were reported and agreed to unanimously, and ordered to be presented. That to his majesty contained a paragraph similar to the one introduced into the commons one, relative to a free trade.

House of Commons, Tuesday October 12. As soon as the Speaker had, according to custom, read the lord lieutenant's speech,

Sir Robert Deane arose, and after an exordium, lavish in its encomiums on the lord lieutenant's administration, and the good dispositions of his majesty and the British ministry toward this kingdom, moved for an address to the throne, expressing in the warmest terms the grateful sense the house entertained of the above dispositions, and, in the usual language of these addresses, echoing the speech. He was seconded by

Mr. R. H. Hutchinson, who said this was a great, critical, and important period, in which the declarations of the king, the best of princes, and the British legislature, left us no room to doubt but every good was designed for Ireland; that his majesty's speech in the British house, at the close of the last session, was the harbinger of good tidings and great events, which was this day confirmed in the lord lieutenant's speech, who says he has it in command to declare his wish to co-operate in such measures as may best promote our interests, interests which, in the hands of the present administration, must be well managed, as their designs are pure; that under such an administration the general benefit of the empire would be attended to, above all partial and selfish considerations; and the veil of calumny, which so long traduced them, would disappear, and the factious calumniators, touched with truth, as with the spear

spear of Ithuriel, would start into shape. What thanks were due to our chief governor, who so respectfully mentions the societies of armed patriots throughout the kingdom? What must our opinion be of a chief governor who speaks so honourably of that great bulwark of constitutional liberty, a national militia? though our distresses are great, from them prosperous days may spring, like that fair flower the fabling poets tell of, which sprung from a hero's blood.

Mr. Grattan said, the speech contained nothing explicit, nothing satisfactory; it meant to quiet the minds of the people without any declaration whatever. After his majesty had been addressed by his Irish subjects for a free export trade, did such addresses require no answer? Were the people of Ireland undeserving the notice of the British ministers? Was there no respect for the interests of these kingdoms among the servants of the crown on this side of the water? Were not these servants of the crown also representatives of the people? Why not then speak out? Are our distresses of so private a nature that they must not be mentioned? [Here he gave an eloquent and pathetic picture of the miserable condition of this kingdom.] It is plain we have nothing to expect, since applications from the people, backed with the same from the officers of the crown, are not attended to. Ireland, then, has nothing to depend upon but her spirit; no redress of grievances, no extension of trade, but from the efforts of her people! and will it be politic, will it be safe, here or elsewhere, to oppose these efforts? Why does not our address also speak out? Why have we less spirit than the people? Shall the commons of Ireland shew less spirit than the most insignificant corporation? Are we so fallen, so despicable, as to be more afraid of England's censure, than of the cries of our starving manufacturers.

The distresses of this kingdom are two fold, the beggary of the people, and the bankruptcy of the state. The first he would ask the commissioners of the revenue to prove, but he would ask them upon oath, whether the restrictions on our trade was not the cause? whether the prohibitions laid on by England against the exports of woollen clothes did not occasion it? Whether there were not too many inhabitants in this kingdom, though not half peopled; whether to those inhabitants was the American continent still open, would they not have migrated thither rather than pine in their native land, the victims of English tyranny, rather than starve in it by an English act of parliament? And lastly, was there

one rich merchant in the kingdom? This kingdom, (he continued) ruined by a balance of trade against her for so many years, and the drain of absentees, owes its present existence to associations; it is but a temporary expedient; and something more effectual must be done.

As to the bankruptcies of the state, they are the consequence of a system of boundless prodigality, profligacy, and violence; a boundless prodigality, while our means were limited; a profligacy and violence uniformly maintained. One instance will suffice, where the late attorney general obliged the merchants of Cork to sign an illegal bond, as a collateral security to an illegal oath. The peace establishment of this poor country amounts to one-sixth of that of England; what proportion is there in our means? What is this establishment? infamous pensions to infamous men! [here he launched into some personalities] and will those men, whom we pay, vote against an extension of our trade? vote against the means of supporting them! To what pass have these profligate administrations reduced this kingdom! to be insulted with our poverty in the speech from the throne; to be told of our beggary; that the officers of the crown here have begged 50,000*l.* from England, or the troops could not have marched into camp; when it is known, that it is this profligacy that has unnerved the arm of government, and made the sword of defence fall in its hand.

He then moved an amendment to the address, to be inserted in the following words:

“ That we beseech your majesty to believe, that it is with the utmost reluctance we are constrained to approach you on the present occasion; but the constant drain to supply absentees, and the unfortunate prohibition of our trade, have caused such calamity; that the natural support of our country has decayed, and our manufacturers are dying for want. Famine stalks hand in hand with hopeless wretchedness, and the only means left to support the expiring trade of this miserable part of your majesty's dominions, is to open a free export trade, and let your Irish subjects enjoy their natural birth-right.” Lord Westport seconded Mr. Grattan's motion for the amendment. Mr. Flood considered the address as inexplicit.

Sir Henry Cavendish declared he would vote against the amendment, apprehending (with a view we may suppose to inefficacy and procrastination) that this business would be better effected by opening a committee on purpose, or rather fol-

lowing a precedent in the year 1661, when the Lords and Commons of Ireland appointed commissioners to attend the King, to *supplicate* the redress of grievances.

Mr. Ogle, in a strain of honest indignation, reprobated the idea of entering into a committee on the subject of our grievances; he was sick, he said, of that mode of trifling with the nation in order to gain time; that the ghost of the committee on the embargo haunted him every time he heard a committee mentioned; and lastly, if we did not mention something in the address, the ministry might again shelter themselves under the old excuse, "That truly they did not know what the Irish wanted, as their parliament was silent on the head," and so go on with the old system of duplicity.

Sir Edward Newenham, in a spirited and warmly decided strain, conjured the house, by all they held dear, to re-assume their wonted dignity and power, the early claims to which he happily and unanswerably traced; charged the British ministry with contempt and neglect to the nation, and called on their warmest advocate to deny the assertion; said he perfectly agreed with Mr. Flood, that the address did not go far enough, and that he thought the original address a servile echo to the speech.

The Provost drew a most pathetic picture of the melancholy situation of his native country, declaring, on this question, that no administration should bias him from the welfare of his country.

The Attorney General, without arguments to support, or art to deceive, delivered a studied eulogium on the sensibility of the King, and the humanity of his minister.

The debate now took a new turn; several of the ministerial party declared, that though they thought this business might have come more properly otherwise, yet, that there might be an unanimity, they would not oppose the amendment.

Hon. Henry Flood declared for the amendment, and entered largely into a justification of his political conduct, which, he said, had unfortunately been much misrepresented; that the office he held was the unsolicited gift of his Sovereign, which he had received with gratitude, and held with honour; that when a time came that he could no longer do it, he would gladly throw the bracelet into the common cauldron.

Mr. Prime Serjeant, after expatiating on the necessity of immediately laying, in an unequivocal manner, the state of our distresses at the foot of the throne, moved in lieu of the amendment proposed, "that it is not by temporary expedi-

ents,

“ents, but by a Free Trade alone, that this nation is now to
“be saved from impending ruin.”

The amendment was carried *nem. con.* as was also the address to the Lord Lieutenant.

We shall here give a slight review of this session: every object now wore the appearance of beauty, contrasted with the deformity we have described; our liberties restored! our commerce emancipated! a people, no longer divided by religious prejudice and factious animosity, but, endeared to each other by the firmest ties of gratitude and affection; united to her sister kingdom, in the strongest bonds of interest and amity; content and satisfaction diffused on every countenance; the lowest individual taught, by experience, to know his own importance, and actuated by a spirit of emulation, to attain a higher rank amongst his fellow-citizens. The acts of commerce encouraged by the rich, and pursued with industry by the poor; convinced that their activity will now be followed by success; the nation itself, roused from indolence, governed solely by a spirit of freedom, and elevated to the most exalted situation in the opinions of mankind, which, while it gratifies their pride, insures its stability; her natural rank in the political scale of Europe ascertained; no longer considered a meer appendage to Great Britain; supported wholly by that consequence, to which the fertility of her soil, the peculiar happiness of her situation, and the spirit of her people intitle her.

Immediately previous to this, the patriotic town of Galway entered into a non-importation agreement, which was instantly followed over all the kingdom, now clothed in her native manufacture :

——with rustic air,

Blooming she stands, and innocently fair.

Let polish'd arts the bashful nymph refine,

In silken raiment let her beauties shine ;

Th' admiring world shall own her peerless charms,

And distant bosoms pant with soft alarms.

Military associations arose unnumbered over the land. England, indeed forgetful, or pretending to be so, of the liberal plan on which the majesty of the people stepped forth, affected to despise them; and even Lord Shelburn, who draws a very considerable part of his resources from our isle, had the presumption in the British house to call us an *enraged mob*,* but an opportunity soon offered, which convinced our enemies of the estimation in which we were to be held.

* See his speech in the House of Lords, May the 11th, 1779.

Late in the summer of the year 1779, while the combined fleet of our enemies rode triumphant in the channel, and menaced the kingdom with immediate invasion, the affrighted maritime towns made application to government for protection, the established forces of the nation having been called away to support the war in America; the chief governor was forced to confess himself unable to afford any effectual assistance in this alarming state of urgent necessity; the people of Ireland resolved to defend themselves; government, forgetting their jealousy in their fears for the safety of the empire, yielded to the impulse of the nation, and, with reluctant confidence, placed arms in the hands of men, that shewed themselves worthy of the important trust. The fleets of the enemy, alarmed at our military preparations, beheld the banners of defiance, and fled precipitate from our coasts.

For this never to be forgotten service, the Duke of Leinster, and Mr. T. Conolly moved, "That the thanks of the house be given to the several Volunteer Corps, for their spirited exertion at this time so necessary in defence of this country," (which passed *nem. con.*)

This the Lord Chancellor and Lord Annally seemed desirous to oppose, by wishing to know under what authority the Volunteers arose; forgetful, it seems, that power only originates from the people, which, once for all, that they may perfectly know, I have subjoined the plain, but truly sensible remarks of Mr. Locke hereon, &c.

The reason why men enter into society, is the preservation of their property; and the end why they chuse and authorize a legislative, is, that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society; to limit the powers, and moderate the dominion of every part and member of the society; for since it can never be supposed to be the will of the society, that the legislative should have a power to destroy that which every one designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making, whenever the legislators endeavour to take away, or to destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people [*i. e.* Rebellant, they bring back the state of war] who are thereupon absolved from any farther obedience, and are left to the common refuge which God hath provided for all men against force and violence.

Whensoever,

Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties and estates of the people; by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people again, who have a right to resume their original liberty; and by the establishment of a new legislative (such as they shall think fit) to provide for their own safety and security, which is the end for which they are in society. What I have said here concerning the legislative in general, holds true also concerning the supreme executor, who having a double trust put in him, both to have a part in the legislative and the supreme execution of the law, acts against both when he goes about to set up his own arbitrary will as the laws of the society. He acts also contrary to his trust when he either employs the force, treasure, and office of the society, to corrupt the representatives, and gain them to his purposes, or openly pre engages the electors, and prescribes to their choice such whom he has, by solicitations, threats, promises or otherwise, won to his designs, and employs them to bring in such who have promised beforehand what to vote and what to enact. Thus to regulate the candidates and electors, and new model the ways of election, what is it but to cut up the government by the roots, and to poison the very fountain of public security? for the people, having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of the common wealth and the public good should, upon examination and mature debate, be judged to require. Thus those who give their votes before they have heard the debate, and have not weighed the reasons on all sides, are not capable of doing. To prepare such an assembly as this, and to endeavour to set up the declared abettors of his own will for the true representatives of the people, and the law-makers of the society, is certainly as great a breach of trust, as perfect a declaration of a design to subvert the government, as is possible to be met with; to which if one shall add, rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of, to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of
their

their country, it will be past doubt what is doing. What power they ought to have in the society, who thus employ it contrary to the trust that went along with it in its first institution, is easy to determine; and one cannot but see, that he who has once attempted any such thing as this cannot any longer be trusted.

Locke on Gov. chap. 19, § 222.

The fears of an invasion subsided; but the people, now accustomed to associate in arms, and sensible of their importance, conferred, began to speak and think with more freedom of that state of subjection, in which they had too long been held, and which was aggravated by the distress felt at this time, in a peculiar degree, convinced of their rights, and conscious they were now in a situation to demand a restitution of them, they looked forward to redress, and they thought it just, that whilst they protected Ireland from the enemies of Britain, it should be made of some value to themselves. The fire of Liberty spread through their different associations; their union served to strengthen and diffuse the flame; they talked amongst themselves of their present degenerate state; wondered at their pusillanimous conduct, and resolved to redeem themselves in the eyes of mankind; at this critical period, the session of 79 opened:—The Secretary entered on the business of government with the usual confidence of success; a confidence authorized by the experience of the former session, in which, assisted by a numerous and *corrupt* majority in parliament, he had triumphed over the efforts of the virtuous part of the people, and by continuing an odious embargo, had brought the nation to the verge of bankruptcy; how great then must have been the surprise of the minister to meet with unaccustomed opposition! to feel himself obliged to give way to an unanimous resolution of the House of Commons, inserted even in the address to the throne; “That, it was not by temporary expedients, but by a Free Trade alone, this country could be saved from impending ruin.” This great resolution, in the opinions of the representative, can be attributed only to that spirit of liberty, which the armed associations had diffused through the whole nation; they seemed sensible of this, and gave a sanction to their assemblies, by voting them *unanimously*, an address of thanks; the words, “*Free Trade*” echoed through the kingdom, and the people pledged themselves to support the requisition of the commons; the nation however had not yet learned to speak out, nor had the gal-

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lant associations yet inspired or assumed that confidence, their respectability of character eminently entitled them to. A remarkable instance of this occurs in the printed debates of the house in the early part of this session; on a motion for retrenchment, it being sagaciously intimated by Sir Benjamin Chapman, that, it would be prudent in government to comply cheerfully with the reasonable demands of the people, now with arms in their hands, determined to defend their rights. He was answered by Luke G—r, and John D—n, Esqrs. that, the Volunteers had taken up arms, *only*, for the purpose of defending the country from external violence, and internal insurrection, and not, by any means, with the view suggested. So little was the true spirit of the Volunteer combinations at that time understood or asserted in parliament. A Free Trade, with the acquiescence of England, was the consequence of those spirited measures; the people were not to be refused, but England, while she was forced to yield to the strong remonstrances of the nation, endeavoured (and in a great measure effected her plan) to make the acquisition of little value, by forcing, through the weight of parliamentary influence, such regulations as were inapplicable and injurious to the purposes of commerce. These attempts to evade our requisitions awakened the attention, and confirmed the spirit of Ireland; she began to see, that it was idle and in vain to expect, that the freedom of trade would be inviolate, while the freedom of the constitution remained still unasserted; these wise and generous sentiments so worthy of a great people, she was taught to feel and maintain in a manner becoming her dignity, by one of the firmest and most distinguished patriots a grateful nation was ever blessed with: Mr. Grattan directed the efforts of the Volunteers to the attainment of an object that merited all their exertions; a total emancipation from the intruded power of England, and a perfect restoration of that freedom to which they were entitled by Magna Charta. While he inspired the armed forces of the nation with an idea of their own consequence, he at the same time supported their claims in parliament with such persuasive eloquence, such power of argument, that each individual of the commons abjured for himself, the supremacy of Great Britain; and, it cannot be said he was defeated, though he did not, at that time, prevail in carrying his motion for a parliamentary declaration of rights. He succeeded however in establishing the idea in the minds of every individual in the kingdom. He was looked up to as their leader

in

in the glorious work of liberty; he deserved the honourable station, and was regarded by all parties, as the glory, ornament, and saviour of his country. The people having now disclaimed all obedience to the acts of the English legislature, as we had no law of our own, to regulate the conduct of the army, it was necessary that a mutiny bill should be immediately enacted; it passed here, and was sent to England for the royal assent: here she again shewed, how tenacious she was still of the power she had assumed; the bill was altered, and the law made *perpetual* though it had been limited by our parliament to two years only. Still the arts of venality, which had triumphed with such avowed success in the former sessions, again prevailed, and the bill was passed in its present disgraceful form: arguments were not wanting to support or palliate corruption; it was attempted to be proved, that a perpetual law was of equal service to the nation, and that the alteration of the English council ought not to alarm the jealousy of this kingdom, as their admitting at all, the necessity of a new law was a sufficient relinquishment of their right to bind Ireland. This flimsy reasoning however did not satisfy the people; they saw with astonishment and contempt the interested venality of their representatives: the Volunteers entered instantly into the most spirited and decided resolutions expressive of their discontent, and disapprobation; and the parliament was prorogued while the nation remained thus unsatisfied. The general dissatisfaction had spread itself into the remotest corners of the kingdom; every man was called upon to lend his assistance, and enlist under the banner of freedom. If any before remained inattentive, they were now convinced of the necessity of uniting in the general cause: scarcely was one individual found indolent or base enough to look on an idle spectator. Reviews were appointed; new corps were added; provincial musters were directed; encampments were formed; instructions came from the constituents to their representatives, and the people waited in military array, until the hour came, when they could with firmness and dignity demand from parliament a legal sanction to their claims.

April 20, 1780, Mr. Grattan, uninfluenced by power, strengthening from defeats, and brightening from ministerial collision, moved, "that the King's most excellent Majesty, and
 " the Lords and Commons of Ireland, are the only power
 " competent to make laws to bind Ireland:" yet such, at this time, was the corruption of the senate, that this most
 salutary

salutary motion was negatived, though urged with the clearest arguments, and delivered with the warmest pathos.

It was originally intended that this work should close with the last session, (in 1782,) but finding on a closer view, the transactions from this to that period numerous, deeply interesting, and worthier of higher discussion than time has hitherto permitted, they are reserved for the continuation of a second volume; and as the principle design of this work is to diffuse information, and convey, to the latest moment, those important determinations which the unanimous voice of a whole nation has uttered, and their transactions conformed; a few observations and extracts are added, as a mirror in which the subject may view his own importance, &c. as a member of the empire; the duty he owes to, and in return expects from his sovereign; the futility of kings reigning by *divine right*, so frequently urged by sleepy church dignitaries, court sycophants, and the gilded pen of ministerial hirelings.

The King is chosen as head of the community, to preside in their councils, and to execute their laws in times of peace; not to controul the one, or make the other; and to conduct and command their armies, in times of war. This *supreme Magistrate*, and *chief General* they dignified with the *honours* and *title* of KING. All the rights, powers and privileges necessary to support the regal rank, and sovereign dignity of this great officer, consistent with the great end of the institution, now called prerogatives of the crown, were annexed; with an absolute freedom and exemption to his person, from all coercive or offensive acts of violence whatsoever; except on his committing a breach of the *implied* or *written* CONTRACT between KING and PEOPLE; in which case, they have reserved to themselves, and constantly exercised, the power of dethroning their King, and that of appointing and limiting the succession to the throne.

The legislative power of the Lords extends to the framing, and passing bills, for all purposes of good government; excepting the granting *taxes*, or *subsidies*; such bills must take rise in the Commons only, their assent and consent, being of *original right*, first to be obtained.

LUCAS.

The *election* of commoners, to be immediate trustees and apt representatives of the people in parliament, is the hereditary and indefeasible privilege of the people. It is the privilege which they accepted, and which they retain, in exchange of their originally inherent and hereditary right of sitting with the King and Peers, *in person*, for the guardianship of their own liberties, and the institution of their own laws.

Such representatives, therefore, can never have it in their power to give, delegate, or extinguish the whole, or any part of the peoples insparable and undistinguishable share in the legislative power; neither to impart the same to any one of the other estates, or to any persons or person whatever, either in or out of parliament. Where plenepotentaries take upon them to abolish the authority of their principals; or where any secondary agents attempt to defeat the power of their primaries; such agents and plenepotentaries defeat their own commission, and all the powers of the trust necessarily revert to the constituents.

The persons of these temporary trustees of the people, during their session, and for fourteen days before and after every meeting, adjournment, prorogation, and dissolution of parliament, are equally exempted, with the persons of peers, from arrest and dures of every sort.

They are also, during their session, to have ready access to the King or House of Lords, and to address or confer with them on all occasions.

No member of the House of Commons, no more than of the House of Peers, shall suffer, or be questioned, or compelled to witness or answer, in any court or place whatsoever, touching any thing said or done by himself, or others, in parliament; in order that perfect freedom of speech, and action, may leave nothing undone for the public weal.

They have also (during session) an equal power with the House of Lords, to punish any who shall presume to traduce their dignity, or detract from the rights or privileges of any Member of their House.

They commons form a court of judicature, distinct from the judicature of the House of Lords. Theirs is the peculiar privilege to try and adjudge the legality of the election of their own members. They may fine and confine their own members, as well as others, for delinquency or offence against the honour of their house. But, in all other matters of judicature, they are merely a court of *inquisition* and *presentment*, and not a tribunal of *definitive judgment*.

In this respect, however, they are extremely formidable. They constitute the *grand inquest* of the nation; for which great and good purpose, they are supposed to be perfectly qualified, by a personal knowledge of what hath been transacted throughout the several shires, cities, and boroughs, from whence the assemble, and which they represent.

Over and above their inquiry into all public grievances, *wicked Ministers, transgressing Magistrates, corrupt Judges, and*

Justiciaries, who sell, deny, or delay justice; *evil Counsellors* of the crown, who attempt or devise the subversion or alteration of any part of the constitution; with all such overgrown malefactors as are deemed above the reach of inferior courts, come under the particular cognizance of the Commons, to be by them impeached, and presented for trial at the bar of the House of Lords. And these inquisitory and judicial powers of the two Houses, from which no man under the crown can be exempted, are deemed a sufficient allay and counterpoise to the whole executive power of the King by his Ministers.

The legislative department of the power of the Commons is, in all respects, co-equal with that of the peers. They frame any bills at pleasure for the purposes of good government. They exercise a right, as the Lords also do, to propose and bring in bills, for the amendment or repeal of old laws, as well as for the ordaining or institution of new ones. And each house alike hath a negative on all bills that are framed and passed by the other.

But the capital, the incommunicable privilege of the House of Commons, arises from that holy trust which their constituents repose in them; whereby they are impowered to borrow from the people a small portion of their property, in order to restore it threefold, in the advantages of peace, equal government, and the encouragement of trade, industry, and manufactures.

To impart any of this trust would be a breach of the constitution: and even to abuse it, would be a felonious breach of common honesty.

By this fundamental trust, and incommunicable privilege, the Commons have the sole power over the money of the people; to grant or deny aids, according as they shall judge them either requisite, or unnecessary to the public service. Theirs is the province, and theirs alone, to enquire and judge of the several occasions for which such aids may be required, and to measure and appropriate the sums to their respective uses. Theirs also is the sole province of framing all bills or laws for the imposing of any taxes, and of appointing the means for levying the same upon the people. Neither may the first or second estate, either King or Peerage, propound or do any thing relating to these matters, that may any way interfere with the proceedings of the Commons, save in their negative or assent to such bills, when presented to them, without addition, deduction, or alteration of any kind.

After

After such aids and taxes have been levied and disposed of, the Commons have the further right of enquiring and examining into the application of the said aids; of ordering all accounts relative thereto, to be laid before them; and of censuring the abuse or misapplication thereof.

The royal assent to all other bills is expressed by the terms, *Le Roy le veut, the King wills it.* But, when the Commons present their bills of aid to his Majesty, it is answered, *Le Roy remercier ses loyals subjects et ainsi le veut, The King thanks his loyal subjects and so willeth.* An express acknowledgment that the right of granting or levying monies for public purposes, lies solely, inherently, and incommunicably, in the people and their representatives.

This capital privilege of the Commons, constitutes the grand counterpoise to the King's principal prerogative of making peace or war; for how impotent must a warlike enterprize prove, without money, which makes the sinews thereof; and thus the people and their representatives still retain in their hands the *grand momentum* of the constitution, and of all human affairs.

Distinguished representatives! Happy People! Immutably happy, while *worthily represented.*

As the fathers of the several families throughout the kingdom, nearly and tenderly comprize and represent the persons, cares, and concerns of their respective households; so these adopted fathers immediately represent, and intimately concentrate, the persons and concerns of their respective constituents, and in them the collective body, or sum of the nation. And while these fathers continue true to their adopting children, a single stone cannot lapse from the *great fabric of the constitution.*

The Three Estates in Parliament.

With the King, Lords, and Commons, in parliament assembled, the people have deposited their *legislative or absolute power, in trust* for their whole body; the said King, Lords, and Commons, when so assembled, being the *great* representative of the whole nation, as if all the people were then convened in one general assembly.

As the institution, repeal, and amendment of laws, together with the redress of public grievances and offences, are not within the capacity of any of the three estates, distinct from the others, the *frequent holding of Parliaments* is the vital food, without which the constitution cannot subsist.

The three estates originally, when assembled in parliament sat together consulting in the open field. Accordingly, a
Running

Running-Mead, five hundred years ago. King John passed the great charter, (as therein is expressed) by the advice of the Lords Spiritual and Temporal, by the advice of several Commoners (by name recited) *et aliorum fidelium*, and of others his faithful people. And in the twenty-first clause of the said charter, he covenants, that, "For having
 "the Common Council of the kingdom to assents, he will cause
 "the Lords spiritual and temporal to be summoned by his writs;
 "and, moreover, he will cause the principal Commoners, or
 "those who held from him in chief, to be generally summoned
 "to said parliaments by his Sheriffs and Bailiffs."

In the said assemblies, however, the concourse became so great and disorderly, and the contest frequently so high between the several estates, in assertion of their respective prerogatives and privileges, that they judged it more expedient to sit apart, and separately to exercise the offices of their respective departments.

As there is no man, or set of men, no class or corporation, no village or city, throughout the kingdom, that is not virtually represented by the delegates in parliament, this *great body politic*, or *representative of the nation*, consists, like the body natural, of a head and several members, which, being endowed with different powers for the exercise of different offices, are yet connected by one main and common interest, and actuated by *one life or spirit of public reason*, called the *laws*.

In all steps of national import, the King is to be conducted by the direction of the parliament, his great national council; a council on whom it is equally incumbent to consult for the King with whom they are connected, and for the people by whom they are delegated, and whom they represent. Thus the King is constitutionally to be guided by the sense of his parliament; and the parliament alike is constitutionally to be guided by the general sense of the people. The two estates in parliament are the constituents of the King; and the people, mediately or immediately, are the constituents of the two estates in parliament.

Now, while the three estates act distinctly, within their respective departments, they effect and are reciprocally affected by each other. This *action and re-action* produces that general and *systematic controul* which, like *conscience*, pervades and superintends the whole, checking and prohibiting evil from every part of the constitution. And from this confinement of every part of the rule of *right reason*, the great *law of liberty* to all ariseth.

For instance, the King has the sole prerogative of making war, &c. But then the means are in the hands of the people and their representatives.

Again, to the King is committed the whole executive power. But then the ministers of that power are accountable to a tribunal, from which a criminal has no appeal or deliverance to look for.

Again, to the King is committed the cognizance of all causes. But should his Judges or Justiciaries pervert the rule of righteousness, an inquisition, impeachment, and trial impends, from whose judgment the Judges cannot be exempted.

Again, the King hath a negative upon all bills, whereby his own prerogatives are guarded from invasion. But should he refuse the royal assent to bills tending to the good of the subject, the Commons can also with-hold their bills of assent, or annex the rejected bills to their bill of aids: and they never failed to pass in such agreeable company.

Lastly, to the King is committed the right of calling the two estates to parliament. But, should he refuse so to call them, such a refusal would be deemed *an abdication of the constitution*; and no one need be told, at this day, that *an abdication of the constitution* is an *abdication of the throne*.

Thus, while the King acts in consent with the parliament and his people, he is limitless, irresistible, omnipotent upon earth; he is the free wielder of all the powers of a free and noble people; a King throned over all the Kings of the children of men. But should he attempt to break bounds, should he cast for independence, he finds himself hedged in and straightened on every side; he finds himself abandoned by all his powers, and justly left to a state of utter impotence and inaction.

Hence is imputed to the sovereign head, in the constitution of Great Britain, the high and divine attribute, *the King can do no wrong*; for he is so circumscribed from the possibility of transgression, that *no wrong can be permitted to any King in the constitution*.

While the King is thus controuled by the Lords and Commons; while the Lords are thus controuled by the Commons and the King, and while the Commons are thus controuled by the other two estates, from attempting any thing to the prejudice of the general welfare, the three estates may be aptly compared to three pillars divided below at equidistant angles, but united and supported at top, merely by the bearing of each pillar against the others. Take but any of these pillars away, and the other two must inevitably tumble. But while all act on each other, all are equally counteracted, and thereby affirm and establish the general frame.

How

How deplorable then would it be, should this elaborate structure of our happy constitution, within the short period of a thousand years hence, possibly in half the time, fall a prey to effeminacy, pusillanimity, venality, and seduction; like some ancient oak, the lord of the forest, to a pack of vile worms that lay gnawing at the root; or, like Egypt, be contemptibly destroyed by *lice and locusts*.

Should the morals of our constituents ever come to be debauched, *corrupt*, which is *the salt of liberty*, would then be corrupted, and no salt might be found wherewith it could be seasoned. Those who are inwardly the servants of *sin*, must be outwardly the servants of *influence*. Each man would then be as the Trojan *horse* of old, and carry the enemies of his country within his bosom. Our own appetites would then induce us to betray our own interests; and state policy would seize us a *willing sacrifice to our own perdition*.

Should it ever come to pass, that corruption, like a dark and low-hung mist, should spread from man to man, and cover these lands. Should a general dissolution of manners prevail. Should vice be countenanced and communicated by the leaders of fashion. Should it come to be propagated by ministers among legislators, and by the legislators among their constituents. Should guilt lift up its head without fear of reproach, and avow itself in the face of the sun, and laugh virtue out of countenance by force of numbers. Should public duty turn public strumpet, Should shops come to be advertised, where men may dispose of their honour and honesty at so much per ell. Should public markets be opened for the purchase of consciences with an *eye*! We bid most to those who set themselves, their trusts, and their country to sale! If such a day, I say, should ever arrive, it will be doom's-day, indeed, to the virtue, the liberty, and constitution of these kingdoms. It would be the same to Great Britain, as it would happen to the universe; should the laws of cohesion cease to operate, and all the parts be dissipated, whose orderly connection now forms the beauty and *commonwealth of nature*. Want of sanity in the material, can never be supplied by any part in the building. A constitution of *public freemen* can never consist of *private prostitutes*.

BROOKE.

We here see the harmony of the whole arises from the mutual connection, and the mutual opposition of the several constituent parts. The three different orders which compose the system, including every part of the community, and pos-
sessed

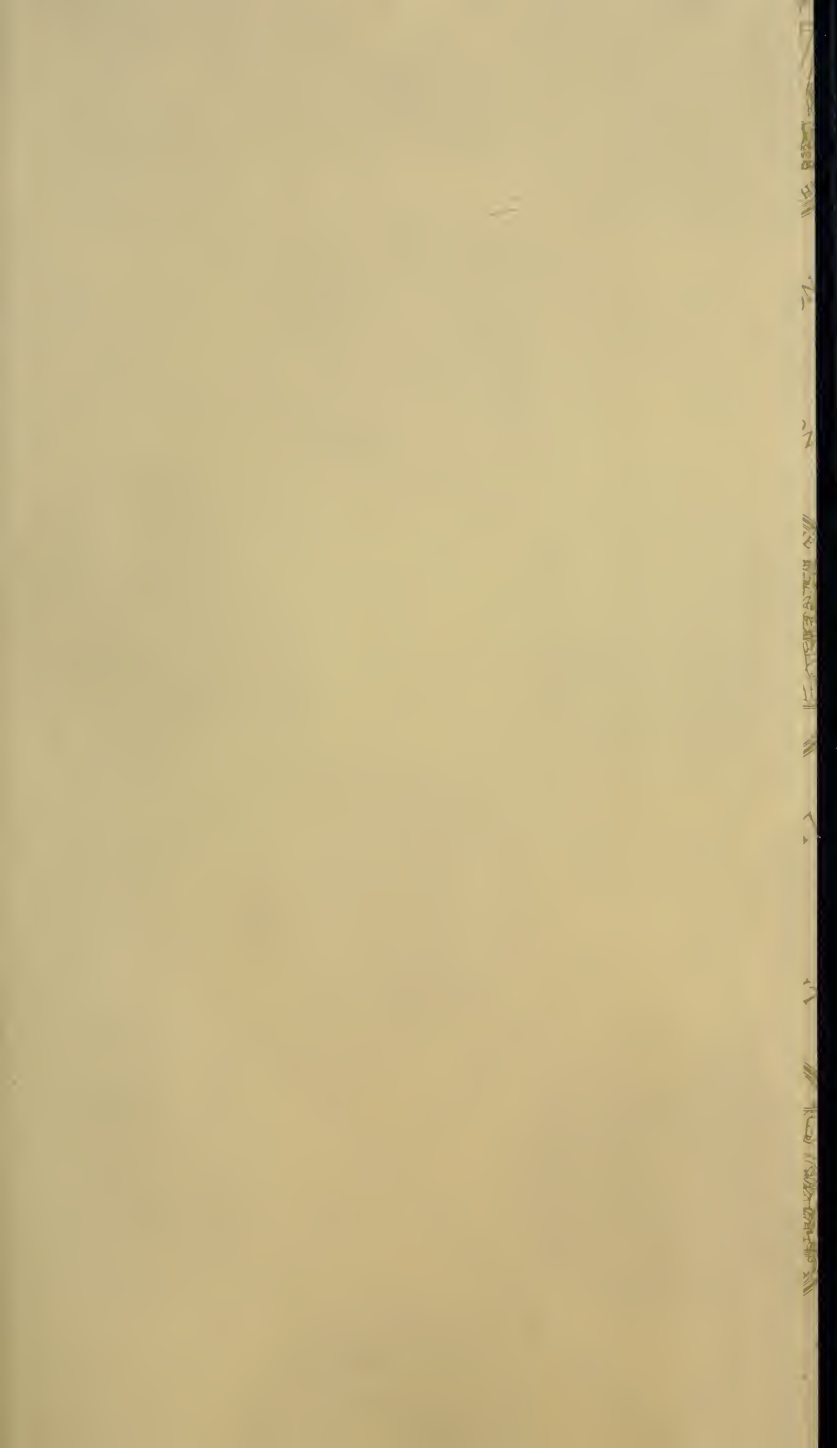
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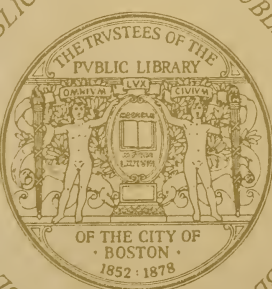
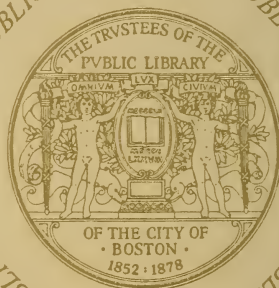
selling the unlimited authority of the whole, are connected together by a power of ordaining belonging jointly to them all; they are opposed to one another by a power of hindering, belonging separately to each; by the former, they are enabled to provide for the good of the community in general; by the latter, they are disabled from encroaching on each others rights, or oppressing any part. The legislative power, which requires much council and mature deliberation, is very properly placed in the hands of the many; the executive power, which requires immediate action, is, with equal propriety, committed to the one. How hath the wisdom of nature been stretched! how have the veins of the valiant been exhausted, to form, support, reform, and bring to maturity this unexampled constitution, this coalescence and grand effort of every human virtue, *British Liberty*!

If it was possible for any man who hath the least knowledge of our constitution, to doubt in good earnest, whether the preservation of public freedom depends on the preservation of parliamentary freedom, his doubts might be removed, and his opinion decided; one would imagine, by this single obvious remark, that all the designs of our Princes against liberty, since parliaments began to be established on the model still subsisting, have been directed constantly to one of these two points; either to obtain such parliaments as they could govern, or else to stand all the difficulties, and run all the hazards of governing without parliaments. The means principally employed to the first of these purposes have been, undue influences on the elections of members of the House of Commons, and on these members when chosen. When such influences could be employed successfully, they have answered all the ends of arbitrary will; and when they could not be so employed, arbitrary will has been forced to submit to the constitution.

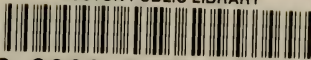
Bolingbroke's Dissertat. Letter XI page 15.

The King at his coronation solemnly swears to the following effect: "That he will govern the people of the realm according to the statutes in parliament made, that is by the representatives of the people; and agreeable to the laws, and customs by them established; that he will cause law and justice in mercy and equity to be dispensed and executed; that he will protect and maintain, to the utmost of his power, the laws of God, the true religion and profession of the gospel, and the general rights and liberties of all the people, whether clergy or laity, without distinction."





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